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BY
WM. L. McDOWELL

Vol - 16

B. P. R. O. South Carolina B. D. vol 7

EQ 7

South Carolina 12 Nov. 1732

To Allured Popple Esq

Sir

I hope you will excuse me giving this trouble when you see what a hardship I lie under. and be so good to lay it before the Lords the first opportunity I have wrote to M.r Berke and another Gentleman to wait on you to receive your commands your favor in this shall be acknowledged by

Your most obed.t most humble Servant

J. Hammerton

N. S I have wrote to my good friend Col Bladen before. and I should have done this sooner but have been violent ill of a fever that has raged here these four months I am but just recovered and scarce able to write

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(Inclosure) To the Right Hon.ble The Lords Comm.rs for Trade and Plantations

The Memorial of John Hammerton Esq His Majesty's Secretary and Register of South Carolina

Edward Berke and Your Memorialist. By a Warrant under His Maj.ty Royal Sign.t Manual. Obtained a Patent under the Great Seal of Great Britain for the employments of Secretary and Register of His Majesty's Province of South Carolina to them for their Lives or the longer Liver Your Memorialist being the Acting person. at his arrival in Carolina claiming his employments to his great surprise found the Assembly (in

1732 — 1733 — 1734

(in the Act for the remission of the Quit Rents) had pretended to take one Branch Viz: the Register out of my Office to themselves and had disposed of it as they thought fit. The Kings Patent was dated 11 Feb 1731. Eight months before the Act was made in Carolina. As I humbly believe it is the first time that an assembly or any Publick Body under the protection and subject to the same Crown did ever before presume to dispose of or take to themselves any branch of any Employment before given as a freehold by the King

I most humbly pray your Lord^ps now the said Act is before you to be determined that you would be pleased in justice to M^r Berkley and your Memorialist to put out that clause in the said Act or make it void as you shall see most proper That your Memorialist may enjoy that Branch of His Majestys Royal Grant of Recorder or Register as given in your Memorialists patent and as all His Majestys Secretarys have and the Books of Records or Registers are always kept in their Offices. I am

Your Lordships

Most obed^t and most humble Servant

John Stammerton

South Carolina
18 Nov. 1732

Rec^d 9 Jan 1732/3
Read 17 Sept 1735

B P R O South Carolina B D vol 7

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Charles Town 15th Dec 1732

To the Lords for Trade

My Lords

I did myself the Honor to answer Your Lord^ps letter of the 16th of June relating to Laws made. Manufactures set up and Trade carried on in Carolina which may affect the Trade of Great Britain. I likewise in Council have acquainted his Grace of Newcastle and your Lord^ps of my having appointed a Chief Baron of the Exchequer and desired his Majestys further Instructions thereon

I have before me Your Lord^ps of June 21st relating to a Paragraph of Governor Burrington's Letter intimating apprehensions he is under that our Indians are expected to make some attempt against those of North Carolina I pretty much wonder he should be at the thoughts of that happening uneasy, because by the Copy of his Letter, he seems to think they deserve chastisement and Mr Wallis's Journal, which I inclose, who we sent our Agent to demand Justice of the Tuscorara Indians will fully apprize your Lordships of all that affair.

A Nation of Indians called the Catabas living within the Limits of this Government have a long time been at War with the Tuscororas of North Carolina, and it is always the maxim of our Governm^t upon the Continent to promote War between Indians of different Nations with whom we Trade and are at peace with ourselves for in that consists our safety, being at War with one another prevents their uniting against us

If any material Action had happened on this affair I should have been

sure

sure to have given Your Lordships a particular Account of it but the Tuscororas not having since M^r Malios's parley with them before M^r Burrington had done us any damage. and the Catabas having made no expedition against the Tuscororas. I thought what your Lord^ps might find mentioned in the Journals of Council and Assembly formerly sent your Lordships was sufficient. It is true the 5 Nations are in Amity with the Tuscororas. and some of them were with the party who carried our Slaves and Horses away. but we hear only from M^r Burrington of so furious a War being likely to be carried on. they seldom attack one another in such large bodys parties of 30 or 40 Men go out and if they can steal anything. and kill 2 or 3 old women or Men they soon return contented 'Tis only such a War we hear of yet. Indeed if the Tuscororas had again insulted and robbed our Planters I believe we should have been obliged to have headed their Enemys the Catabas against them and then Your Lord^ps should have had an Acco^t of it

The great sickness which has reigned among us is now quite over and particularly in my family. excepting my Secretary who is still very weak by a relapse which has prevented my sending so soon as I designed the last Journals of the Upper & Lower House of Assembly which I now do.

The Assembly met the 27^th of this month. and admitted M^r Isaac Arnyand to be their Clerk by my Commission agreable to His Ma^tys Sign Manual & adjourned till after the Holidays. I should have been very glad to have received Your Lord^ps objections to the Quit Rent Act. that I might have endeavored to have got such alterations made as Your Lordp^s thought neccessary

M^r Furry is arrived with about 120 Swiss about 50 of whom are men

and

and the rest women and children. I have taken care to furnish them at the Expence of the Public of this province with provisions and all sorts of necessarys and those who first arrived are gone to purisburg and expressed great satisfaction at their reception

I formerly hinted to your Lord^p the Misbehaviour of M^r S^t John the Surveyor Gen^l he continues by the advice of M^r Whitaker late Attorney General (who is the Carolina Craftsman) to despise the Authority of the Gov^r and Council to dispute and Attack themselves to lessen our Credit and Authority with the people by all the vile ways imaginable. I find the Council design to make a representation to the Ministry of M^r S^t John's behaviour. I in conjunction with them have made it our Study to serve him and could not have met with so ungrateful a return from any man of sense and honesty but he is influenced by Whitaker to misrepresent all our Actions. Justify is own ill conduct. and endeavor to have it thought that only they have the Kings Interest at heart. and by S^t John's great Interest which he Brags he has Whitaker hopes to profit himself in England as well as here

All his Majestys Officers in this Governm^t as well as the Captains of the men of War have desired to have Land in this province at the usual annual Quit Rent of 4^d proclamation Money £ 100 acres. some of them are not strictly qualified by having the Number of persons in their familys in proportion to the Land granted but the Council & myself thought this mark of favor to His Maj^ty Officers would not be thought amiss. since His Majestys revenue is no way hurt thereby. they paying

the

the same Quit Rent that others do for such lands. except the Surveyor General who has a Warrant for 6000 acres no other has above 2000 Acres some 1000 and some 500. the Council have 6000 each but all except two or three of them have souls in their familys to qualify them for so much they all take it at the same Rent as others do

I gave your Lordships an account that I had advice the Spaniards from S.t Augustin were about resettling the province of Apalacha. we have since an account from our Indian Traders that a party of Spaniards upon their march there with a good many Horse loads of necessarys for that Settlement were fallen upon by the Indians and destroyed. but we know not what ye nation did the Mischief

About five months ago we had Two white men killed in the Road to the Creek nation not certain yet by whom and six days ago I had an acco.t three white Men are killed in the Road to the Chickesaws we suppose by the French Indians called the Chocotaws the last accident we dont so much wonder at as the first those men venturing too far... but the other gives us great pain because it is what we cannot acco.t for the reason of it.

I acquainted your Lordships with Gov.r Burringtons way of construing His Majestys Instructions relating to the Boundarys of the two provinces which is very necessary should be settled. I must therefore beg your Lordships Explanation of the said Instruction. I shall only observe that it will be very inconvenient Macamaw River should be the Boundary. for the mouth of it comes into Winyaw Bay where we have a great settlement. and a Collector of the Customs who cant prevent illegal Trade if that be for a Ship may go

a

little way up Macamaw River and then is in North Carolina Government and out of his Jurisdiction, as has already been a plea I inclose his Advertisement and mine.

Your Lordships send Your packets for Governor Burrington to me but I apprehend they will get to hand sooner by way of Virginia for we have very little correspondence with North Carolina and they may lie a great while I am with great respect My Lords

Your Lordships most obedient and
most humble Servant
Robt Johnson

Recd 22 Febry 1732/3
Read 27 Aug 1735

B. P. R. O. South Carolina B. T. vol 4.

E. 78

rec.d 22 Feb 1733

South Carolina

Two bits of printed paper relating to the dispute about ye Boundarys between North and South Carolina (referred to in Col. Johnson's letter 15 Dec 1732)

I am informed that several persons in South Carolina have taken out Warrants there to Survey Lands on the North side of Wacktamaw River, and on the Lands that were formerly possessed by the Congeree Indians which are now within this Government, therefore to prevent unadvised people from parting with their money to no purpose and to give satisfaction to all persons whom it may concern I have transcribed His Majesty's Instruction for ascertaining the Bounds of the two Governments of North and South Carolina.

Instruction the 10th. "And in order to prevent any disputes that may arise "about the Southern Boundary's of our Province under your Government. We "are graciously pleased to signify our pleasure that a Line shall be run (by "Commissioners appointed by each province) beginning at the Sea 30 Miles dis- "tant from the Mouth of Cape Fear River on the South West thereof keeping "the same distance from the said River, as the course thereof runs to the main "source or head thereof, and from thence the said Boundary Line shall be con- "tinued due west as far as the South Seas, but if Wacktamaw River lies within "30 miles of Cape Fear River then that River to be the Boundary from the Sea "to the Head thereof and from thence a due West course to the South Seas"

For the satisfaction of all men that bought Lands of the Late proprietors (before

(before the Kings purchase was completed) situated on the North side Macklamaw River. or in any other part between Cape Fear River and the line given by His Majesty to this Government I give notice their Rights and Titles to all Lands so purchased as aforesaid are deemed and allowed to be good and lawful by this Government

N B The above recited Instruction is the same in His Excellency Gov^r Johnson's and Mine. except the word Southern before Boundarys which is altered to Northern in His The Head of Macklamaw River is within 10 Miles of Cape Fear River and is not distant so much as 30 Miles in any place. but a few miles before it runs into Winyaw Bay

North Carolina Sept. 11. 1732. George Burrington

I being very much surprized at his Excellency Governor Burrington's Advertisement in this paper of the 21st Instant relating to the Boundaries of the two Colonys of North and South Carolina. and his manner of Interpreting His Majesty's Instruction relating thereunto think it proper for the better information of those concerned to publish what I know concerning the intention of His Majesty's said Instruction which is as follows - Governor Burrington and myself were summoned to attend the Board of Trade in order to settle the Boundaries of the two provinces. Governor Burrington laid before their Lordships Col. Moseleys Map describing the Rivers of Cape Fear and Macklamaw and insisted on Macklmaw River being the Boundary from the Mouth to the Head thereof. etc.

We of South Carolina desired their Lordships would not alter their first resolution. which was that a Line should be run begining at the Sea

thirty

thirty miles distant from the Mouth of Cape Fear River on the South West side thereof &c as the first part of the Instruction published by Governor Burrington sets forth. and their Lordships then concluded that That should be the Boundary unless the Mouth of Hackamaw River was within Thirty miles of Cape Fear River in which case both Governor Burrington and myself agreed Hackamaw River should be the Boundary And I do apprehend the word mouth being left out of the last part of the Instruction was only a Mistake in the wording of it And I think it proper to inform those whom it may concern that I have acquainted the Right Honorable The Lords of Trade of the different Interpretations Governor Burrington and myself have put on His Majestys said Instructions and have desired his Majestys further orders thereon

R. Johnson

Rec.d 22 Febry 1732/3
Read 27 Aug.t 1735

B.P.R.O. South Carolina B.T. 001 / E 7/9

Inclosure to 15 Dec. 1732
rec.d 22 Feb 1733

South Carolina By His Excellency Robert Johnson Esq. Capt.n Gen.l Governor and Commander in Chief in and over His Majestys province of South Carolina

Instructions to William Wallis Esq.

Whereas it hath been made known to me that several parties of the Tuscarora Indians under His Majestys Government of North Carolina have made frequent Inroads into this His Maj.tys province of South Carolina and have at divers times killed taken and destroyed several Indian Slaves belonging to the said province of South Carolina and many of our Friendly Indians residing in the Heart of this Settlement and insulted divers of the Inhabitants without any colour or pretence whatsoever or any occasion given for so doing

And Whereas I thought fit at the request of the Commons House of Assembly to appoint you the said William Wallis to represent the o.d Injurys to His Excellency George Burrington Esq Gov.r of His Majestys province of North Carolina to the end that not only the said Insults may be prevented for the future, but that satisfaction may be made by the said Tuscorora Nation for what are past You are therefore hereby required on Receipt of these your Instructions to repair to the Government of North Carolina and on your arrival you are to deliver to His Excellency George Burrington Esq the Letter from me to him directed which you will receive herewith. You are to make your journey by way of Cape Fear and in the best manner you can inform yourself if any of the said

said Tuscaroras have lately passed or repassed that way? which of them are known

You are to acquaint His Excellency the said Governor Burrington (or the Gov.r and Commander in Chief for the time being) with the particulars of the Insults and Injuries. which heretofore as well as of late have been made and done by the said Tuscarora Indians to His Majestys Subjects in this Governm.t and to our friendly Indians You are to request His Exc.y Governor Burrington that he causes the several Head men of the said nation to be sent for to come before His Ex.cy. and more especially such as have been lately in this settlement (if known)

You are to request His Ex.cy that you may have liberty to give them a Talk face to face in the name of this Government which if complied with. you are to charge the said Indians with the particulars of the Insults and Injurys by them done to this Government and to demand satisfaction. You are to demand of the said Indians. whether on the like complaints afore made they did not promise to do no more Injurys to this settlement. you are to demand of the said Indians whether on the said complaints afore made that they promised that nothing should occur again. you're to tell the said Indians that all the English in the several Governments have but one Great King. and are all one and the same people and therefore that if any Injury be done to the White people on their persons or to their Black or Indian Slaves. Horses or Cattle that all the said Governments are required to assist each other in resenting these Injurys as they have fully Experienced already in the old Wars between them and the White people. you are to

acquaint

acquaint them that if they make any more inroads and offer any more Injurys or refuse to make satisfaction for what is past, this Governm.t will treat them as Enemys and will immediately call in the Catabaws and Cherokees to their assistance and cut them all off. That this Government does expect immediately before your departure, they will return all the Slaves they have taken (if alive) and if dead to pay the value of them.

You are to insist that they enter into Articles with you in the name of their Government that they will come no more into this settlement nor do any more Injurys to our White people. Indian Slaves, Horses or Cattle nor to our friendly Indians living within our Settlement on pain of being all cut off and destroyed as aforesaid.

You are to communicate these Your Instructions to His Excellency the said Governor Burrington and to give him a copy thereof and you are in the name of this Government to request of His Excell.y his favor and countenance and assistance in all and singular the matters aforesaid.

And you are to act and do in all the matters aforesd. and in all matters and things whatsoever that may or shall hereafter occur to you or may be thought beneficial and useful to this Governm.t for promoting the ends aforesd. according to the best of your knowledge and judgement. Desiring that all due Credence and despatch be given to you the said Wm. Hatis in this behalf.

Given under my hand and the Great Seal of this His Majtys Province the 10th. day of April in the Fourth Year of His Majestys Reign and in the Year of our Lord One thousand Seven hundred and Thirty one. Robt. Johnson

(Inclosure)

(Inclosure) A Copy of Mr Hallis Journal to North Carolina begun 10th may 1731

On Monday the 10th of May at Edintown I had the opportunity of speaking with Wm Blunt the intended King of the Tuscaroras and Capt. George and six other Indians who came there as they were sent for by Gov. Burrington to meet me

And in the presence of the Governor and Council and some of the Assembly I shewed them the Instructions I had received under the Great Seal and by yt Interpreter Wm Charlton told them that was the substance of what I was sent to say to them that it was the words of the Gov. & Council and great men in So: Carolina and that I was come to know the reason why they came into our Govern! to take away our slaves and kill our Cattle and take and kill the Free Indians that lived amongst us. and had no wars with them. to which they answered that it was not them but the Senecas that had done it. I replied that was false that I had seen their Tracks all along the path to Cape Fear and had spoke to John Bernett. Mr Pawly Capt. George Bennet and that the man with me knew 2 or 3 of them also. who coming in they began to talk among themselves

Upon which I bade the Interpreter ask them if they did not know the man. that I expected they were sent by King Blunt to talk true and not to tell me lies

Upon which they confessed they had been at his House but did not want to carry away the woman there. but that the man was afraid for nothing. I bid the Interpreter to ask them if that was nothing also to take Mr Mashos Indian Slave before his face and kill yt Horses upon the Spot. To which they answered that it was not them it was the

Senecas

Senecas. and that man pointing to one of their company was with them and told them it was not good for them to do so and told them they must not meddle with slaves but that signified nothing for they could hear him

I bid the Interpreter ask them if they had not formally been sent for down before the Governor when they had been in our Settlements and killed several Indians and carried away a Slave from Mr Sumerhoof at Wenyaw which Slave they had brought and delivered up to Col Moore If then they did not promise to come no more into our Settlements yet now they had broke that promise and did not regard it

They answered it was true they did promise but that last fall. some Indians came to the head of New River and killed Capt Jack & wounded one more of their people and a party of Senecas coming to their Town to go against the Catabaws. they went out with them. and coming to that place followed the track to the head of Waccamaw River and did believe they came down that River into our Settlements and that they found a small Fort with some Indians between Santee and Wenyaw Rivers at a White Mans plantation and in the night they went up to the Fort and fired in but could not tell if they killed any one or not and so returned directly

I replied it was true what they said about the Fort. but that they had been at a plantation at Black River. also. and there in a very rude way took some shirts that were in wash and put them on and also carried away some cloth and that they had killed Cattle in 2 or 3 places now as well as formerly. that they could have no pretence of War with our

Neighbor

Neighbor Indians but because they came with us against them in the north Carolina War. and we looked upon their doing as if they wanted war with us But they answered they did not want war with us. that it was the Seneca's had done that. and they were blamed for nothing. that the same man was with them when they took the Shirts & cloth as was by when they took the Slave and all he could say to them signified nothing. I bade the Interpr. tell them I knew it was certainly them for Capt. Peter who I did expect would come with them. and who they say is now Beaver hunting has been twice in our settlements and done mischief and his being absent looks like as if they had left him in South Carolina hunting for our Slaves and killing our Cattle. for I knew this was not yt time to hunt Beaver. They answered that the South Carolina Indians were now about their Towns. they had seen their Tracks and both Cattle and Hogs that they had killed and some of their Children going for Wood saw one of them. I asked them if it was their Cattle and Hogs that were killed. They replied it was the White peoples. upon which I asked if the White people had sent to them to complain and bade the Interpreter tell them that several of the Gentlemen there had told me that when they had killed their Cattle or Hogs. they would say they saw the Tracks of South Carolina Indians and so endeavor to lay the blame of it upon them as they did to me upon the Seneca's in So: Carolina

Upon this they took some time to talk among themselves and the Interpreter being asked what they said replied they said it signified nothing to talk with me any more for I would not believe them and so long as I would not believe them. for what did I give them the trouble of coming 40 Miles for nothing

Do

Do this I bade the Interpreter tell them I had come four hundred miles to talk with them and did they think much of coming forty miles. that I did believe them in what was true but when they told lies and said they did no hurt in South Carolina but laid it upon the Senecas who were not there to answer. and when I knew they did attempt to carry away my slave before and tried to break into the houses several times in the night and Capt. George had told Mr Crawley that they were Senecas and would not speak English till John Bernet came who knew him very well then he could speak English and told Mr Crawly that Senecas and Tuskeroras were all one. Yet now you make a difference and lay all the blame upon the Senecas though yourselves own you came down into our Settlements with them and that that man of yours was with them all along No I am not come so far to hear and believe lies. let the Governor Judge if you speak true

Upon which the Governor bade the Interpreter tell them it was evidently plain it was them and that their laying it upon the Senecas if any Senecas were with them that was nothing to the purpose and no excuse for them for they had confest they went out with them and one of their people was with them at taking the Slave and killing the Horse and taking the Shirts and cloth before the White peoples face

After some talk amongst themselves they answered they thought they should have blame about it. but they could not help what the Senecas had done. but for themselves they would go no more into our Settlements if I would forgive them this time and speak to the Gov.r when I went back to forgive them But I bade the Interpreter tell them that would not do for I was commanded by the Governor to demand payment for the damages they had done and a

delivery

delivery of the Slaves they had taken without which I could settle no terms of peace or friendship with them. on which they asked for what slaves and for what damage I wanted pay I answered them for 3 Cattle and a horse of Mr. Crawleys and for two more at Black River of Mr. Henleys formerly when Capt. Peter came into our Settlements and now Mr. Mashes slaves and Horses and for a Cow and Calf they had killed and for the Shirts and Cloth they took and for a slave of Mr. Bells which they took away from Black River about three months past They bid the Interpreter ask me who see them take that Slave To which I answered nobody but that they were seen that very time about the plantation and I knew by their asking who see them take him that it was some of them because I found they knew nobody saw them take him. After a short talk amongst themselves they asked if the fellow had a gun for maybe he was run away I answer'd he had a Gun as they knew well enough. but they wanted to make me believe he was run away. They answered they knew nothing of it. nor of the Cattle formerly. and as to what was done now the Senecas who did it must pay for it. To this I bid the Interpreter ask them if they knew nothing about the slave also that Capt. Peter took from Mr. Somerhoof and returned to Col Moore when he went up to their Towns and threatened them to bring the Catabos upon them. that now they began to talk lies to to me as they did before and say I must look to the Senecas for pay when I have followed their Track all allong the path and know it is them and none else and that Capt. George there told Mr. Ash he would go through our Settlements in the fall with 50 men to look for Indians at the Southward

To this they made no answer but talked some time amongst themselves

till

till I bade the Interpreter ask them again if they would make any payment for this last damage or return the Slaves and If not I was ordered to tell them our Gov.r would look upon them as Enemys and send the Cherokees and Catabaws to cut them off. that the former Gov.r had sent a letter now I was sent and if this did not do they might be assured the next would be an army to bring them to reason. They answered the Cherokees and Catabaws were at War and they killed one another which they knew and did not fear they would both come against them I replied they were no way to suffer if it was so for it was in the power of our Government to make them friends when we pleased and if there was neither Cherokees or Catabaws we ourselves had men and strength enough to cut them all off and if we came it would be much the worse for them for they might ask the Governor if we were not all one people and under one great King and if the injuries they did was not the begining of a War with us all North Carolina must be their Enemys also and help us this you all must know if you remember in the old Wars that we were all one people. To this they answered that they would not do nor would not do anything to cause a War. but why could we not let them that were Indians alone to make war against Indians without our meddling with it. I answered they might war with the Indians without our Settlements. till they had enough of it if they did not come into our settlements to kill our Cattle and take our slaves and rob houses but they did so and would make no reparation I was sent to let them know that we could look on them no other ways but as Enemys designing to make war upon us. They answered they had

had often told me it was not them that did us hurt. and if I had nothing to say more they wanted to make haste home because they had discovered some Cataboss tracks about their Town before they came down that the Senecas had carried Mashos Slave by their Town four days before they were sent for and if I wanted any pay I must look to them for it. I told them at my return our Govr would soon write to the Govr of New York to let the Senecas know what lies they told of them. and that in the mean time they would find War enough from the Catabos's without going to seek for it in South Carolina. To which they bid the Interpreter to ask me if White men would come with the Catabos's to war. I answered that they knew the Catabos and Sopuis were three times stronger than they and that there was no occasion to send white men but if there were any more seen within our settlements they should soon find White men and Indians enough to cut them off and leave them neither Town nor people and since they were so obstinate as to refuse to make good any damages they had done that was all I had to say to them

Upon which the Govr bade the Interpreter tell them that the Govr and people of South Carolina had all the reason in the world to be angry with them that he would them go out and consider what I had said to them and agree to pay me for if the South Carolina & Indians came against them he would give them no assistance and if they did any more injuries. and the White people came against them he himself must be against them also and therefore they had better to consider well of it. At which they all went out and two or

three

three hours after told the Gov.r they could not agree to pay anything. upon which he told them to tell me for I must carry back the answer. then they anowered they would tell me by and by and the next morning they gave me the same answer that they could not pay anything. But that they would come into our Settlements no more but could not engage for the Senecas not coming. upon which we parted.

(Inclosure) North Carolina May 11th 1731

Sir

I am much honored with Your Excell.cy commands which I receved in a letter delivered by Capt.n Hatis

We are all very certain in this Country that the Tuscorara Indians are very great scoundrels they have been before me in Council examined and Interrogated by Capt.n Hatis. most of the facts charged on them fully proved yet they absolutely refuse to make any satisfaction The Good people in this province are far from liking the vile practises of these fellows and will not assist them on any occasion but rather favor any men you send against them These Tuscaroras were in a very peaceable and quiet way before Sr. Richard Everard was Governor but they are absolutely at this time without any Govern.t amongst themselves Mr. Hatis will inform your Excell.cy that I used my endeavours to persuade them to give reasonable satisfaction for the injurys they had done your people I shall be very proud to receive your commands upon all occasions that offer for your service and desire the honor

to call myself. Sir

Your Excellencys most humble & most obed.t Servant

Geo: Burrington.

Rec.d 22 Feb 1732/3
Read 27 Aug 1735

B.P.R.O. ~~South Carolina~~ Journals B.T. vol 43

Whitehall Tuesday 8th of May 1733

At a Meeting of His Majestys Commrs for Trade and Plantations

Present

Mr Docminique Mr Bladen Mr Ashe Sr O. Bridgeman

An order of a Committee of Council dated the 27th of April 1733 referring to the Board the petition of Mr Thorpe for the Confirmation of a Grant of Nine thousand Acres of Land in South Carolina was read. Ordered that the Agent for Mr Thorpe and Mr Whitaker who is lately come from that province be desired to attend the Board upon this subject on this day Fortnight

. . . . . .

22 May 1733

Mr Thorpe whose petition for the Confirmation of a Grant of some land in South Carolina was read the 8th Inst attending as he had been desired with Mr Sharpe in his behalf and Mr Whitaker late Attorney Genl in that province attending at the same time Mr Thorpes petition was again read as also a Letter from Mr Thos Lowndes of whom Mr Thorpe purchased the Land in Question alledging that the Land Mr Thorpe claimed was not the Land he sold him. it having been surveyed and set out for Mr Lowndes prior to his Agreement with Mr Thorpe to whom he had sold Nine thousand Acres of his Land not then admeasured or set out Mr Sharpe then desiring in behalf of Mr Thorpe that he might have a copy of Mr Lowndes Letter

in

1733

in order to make his answer thereto Orders were given accordingly And the consideration of this Affair was adjourned to another opportunity.

Mr Whitaker was then desired to put into writing what he knew of this affair and to give the Board an Account of any difference there may be between the Pltfs Grant and other Grants made by the late Lords Proprietors which he promised accordingly

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3 June 1733

Mr Whitaker late Attorney General in South Carolina attending as also Mr Hume late Speaker of the Assembly there the Board took into consideration and read a petition from Mr Vaughan Agent for Mr St John Surveyor Genl of Carolina desiring the Boards interposition with the Assembly for his Enlargement And it appearing to the Board by the Information of the said Mr Whitaker and Hume that the Assembly had conceived a Resentment against him on Account of the Informations and Observations he had made upon the subject of the Quit Rent Law passed in South Carolina in 1731. and that the Assembly would not have been so exasperated against him for the slighting words which he is accused to have said against them. Directions were given for preparing the Draft of a Letter to Colo Johnson Governor of that Province to endeavor to get his discharge

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7 June 1733

The letter to Colo Johnson Governor of South Carolina ordered to be prepared the 5th Inst. relating to his procuring Mr St John's discharge out of the Custody

of

of the Assembly there was agreed and signed

An Order of the Committee of Council dated the 22d of May 1733 re directing the Board to consider the petition of Mr Purry praying that His Majesty would authorize the Governor of South Carolina to grant to the Petr such a part of the 48000 Acres of Land allowed to him upon the importing 600 Swiss into that Province as shall be in proportion to the Number of Swiss already imported and as shall hereafter from time to time be imported thither was read And directions were given for preparing the Draft of an Instruction upon this Subject

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14 June 1733

A Memorial from Mr Purry relating to a Quantity of Land claimed by him in South Carolina for the Benefit of the Swiss protestants that settled there was read And the draft of an Instruction for that purpose ordered to be prepared the 7th inst as also a Representation to accompany the same were agreed

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4 July 1733

Their Lordships then took again into consideration the Order of the Committee of Council referring to the Board the petition of Mr Thorpe for the confirmation of a Grant of Nine thousand Acres of Land in South Carolina read the 8th of May last And a deposition from Mr Thorpe As also a letter from Mr Lowndes & another from Mr Whitaker relating to the difference of Grants of Land in the said province were severally read And directions were

given

given for preparing the Draft of a Report upon Mr. Thorpes said Petition

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31 July 1733

Two Acts of South Carolina the one passed in 1696 and the other in 1700 recd. from Mr. Scrope were ordered to be sent to Mr. Yorke for his opinion thereupon in point of Law

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27 September 1733

An Order of the Lords of the Committee of Council dated the 15th of Augt. 1733 to alter the Drafts of Additional Instructions to the Governors of Virginia and South Carolina relating to Capt. Phenney Surveyor General of the Customs being continued a Councillor in Ordinary was read

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16 October 1733

An order of the Lords of the Committee of Council dated the 15th of August last was read, requiring New Drafts of Instructions to be prepared for the Governors of Virginia and South Carolina, relating to the Surveyors General of the Customs there being admitted for the future as Councillors Extraordinary only, but that Capt Phenney the present Surveyor General who has already been appointed of the Councils of Virginia and South Carolina be allowed all the Privileges of a Councillor in Ordinary in those Governments. Whereupon the Drafts of Instructions having been accordingly prepared the same were agreed and a Report signed therewith to lay the said Drafts before the Lords of the Committee

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relating to the loss of y^e Spanish Flota. sent to this Office by Col. Johnson was signed.

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13 December 1733

Two orders of the Lords of the Committee of Council of the 6^th Instant referring to this Board the Petitions of the Merchants of London and Bristol against some Acts of South Carolina for continuing Duties on Negroes Issuing of Paper Money and protecting Debtors Whereupon ordered that M^r Paxton Solicitor for the Merchants of London M^r Hood Solicitor for the Merchants of Bristol and M^r Jury Agent for the province be desired to attend the Board tomorrow morning

. . . . . .

19 December 1733

M^r Paxton M^r Hood and M^r Jury attending as they were yesterday directed their Lordships took into consideration the two Orders then read and appointed this day three weeks for the further consideration of the said Laws

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20 December 1733

The Letter to the Duke of Newcastle enclosing Copies of two Affidavits relating to the Loss of the Spanish Flota Ordered to be prepared the 28^th of the last month was agreed and signed

. . . . . .

B. T. Journals

17 October 1733

A Letter from Mr Jury agent for the Governor of South Carolina dated 11 August last. was read, enclosing a Copy of an Act passed in that province in March 169$\frac{3}{4}$ (commonly called Archdales Act) Entituled an Act to ascertain the prices of Land. the forms of Conveyances. and the manner of recovering rents for Lands and the prices of the several Commodities the same may be paid in; Whereupon ordered that a Copy of the said Act be sent to Mr Paxton Solicitor to the Treasury. and that he be desired to dispatch as soon as possible the draft of a New Bill which he is preparing about the Quit Rents and Titles to Lands in South Carolina.

. . . . . .

4 December 1733

Memorial from Mr Beresford against an Act passed in South Carolina in 1723 for settling the Estate of Richard Beresford Esq deceased was read. Ordered that the said Act be sent to Mr Vane for his opinion thereupon in point of Law

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11 December 1733

A Letter from Mr Lowndes dated the 3rd Inst informing the Board of the Ordnance lately sent to South Carolina lying unregarded there in a ruinous condition was read and directions were given for sending a Copy thereof to Col. Johnson Govr of that province.

A Letter ordered to be prepared the 28th of the last month for enclosing to His Grace the Duke of Newcastle the Copies of Some depns relating

B.P.R.O. South Carolina B.T. vol 4

E. 80

South Carolina 8th Jan.y 1732/3

To the Right Honble the Lords for Trade

My Lords

The fate of the Quit Rent Law will probably be Resolved by the time your Lordships receive this Letter. it contains a part which may much conduce to His Majestys Service and if it be not disannulled I must beg leave to recommend to your Lordships that the Repeal be retarded for a twelve month longer. it Enacts a Clause for the Registering all Deeds and Titles in the Office of His Majestys Auditor or his deputy within the space of 18 months after the passing the Act or that such Titles be forfeited if not registered within eighteen months after the said Office is erected in Charles Town and public notice thereof given On the 27th of November 1731 a printed Advertisement was published by Mr St Johns deputy declaring that James St John Esq was Auditor General of this province and had opened in Charles Town his said Office of Auditor Pc Mr Walpole was known to be Auditor General of America and Mr St John being asked if he was Mr Walpoles deputy he insisted Mr Walpole could have no right to be Auditor of South Carolina because his patent was prior to his Majestys purchase and St John assumed the place of Auditor General under Color of being Inspector and Comptroller. the Reality of his Office was then Impeached and the Secretary of this province claimed the right of Registring In order to forward somewhere the Expedition of a Rent Roll. my Council and I took it under Examn

on

* = may.

on the 10th. of June last. Mr. St John thought proper then to acknowledge Mr. Walpole's Right and produced a deputation from him We then Resolved the right of Registring to be vested in Mr. St John as deputy Auditor which was accordingly published Should your Lordships be therefore of opinion to Retard the Repeal of the Law for the sake of obtaining his Majesty a Rent Roll, the commencement of the 18 Eighteen months will be most indisputable from the 10th. of June 1732 We have some Cavelling Lawyers here to improve such opportunities for defeating the effects of the Law and creating contention I doubt Mr. St John's Adviser one Whitaker industriously set him astray in the former particular on purpose to raise disputes about it & it had very great effects: for the recording of Deeds was much retarded, but that Right is now Unquestioned. The Assembly here attempted a Bill to prolong the time of Registring but I refused my concurrence I have had some application to me for the signing of Grants at the old reserved Quit Rents upon producing a purchase Receipt under Color of the Quit Rent Roll Act. But while His Majestys pleasure is unknown upon it I have all along avoided acting in such conformity or to pass any Grants to give Strength to patents I think myself happy that by such Cautions if His Majesty does not think proper to affirm it. his Interest will be no way prejudiced but like to receive a considerable benefit by getting a Rent Roll after the proposed method Your Lordships will probably recommend the new plan of a Law to be here Enacted upon Repeal

of

of the former which I shall carefully endeavour to procure being past into a Law with my best Interest and Industry I hope in all instances to approve myself of the strictest adherence to His Majestys Service

I am My Lords

Your Lords[ps] most obed[t] humble

Servant

Rob[t] Johnson

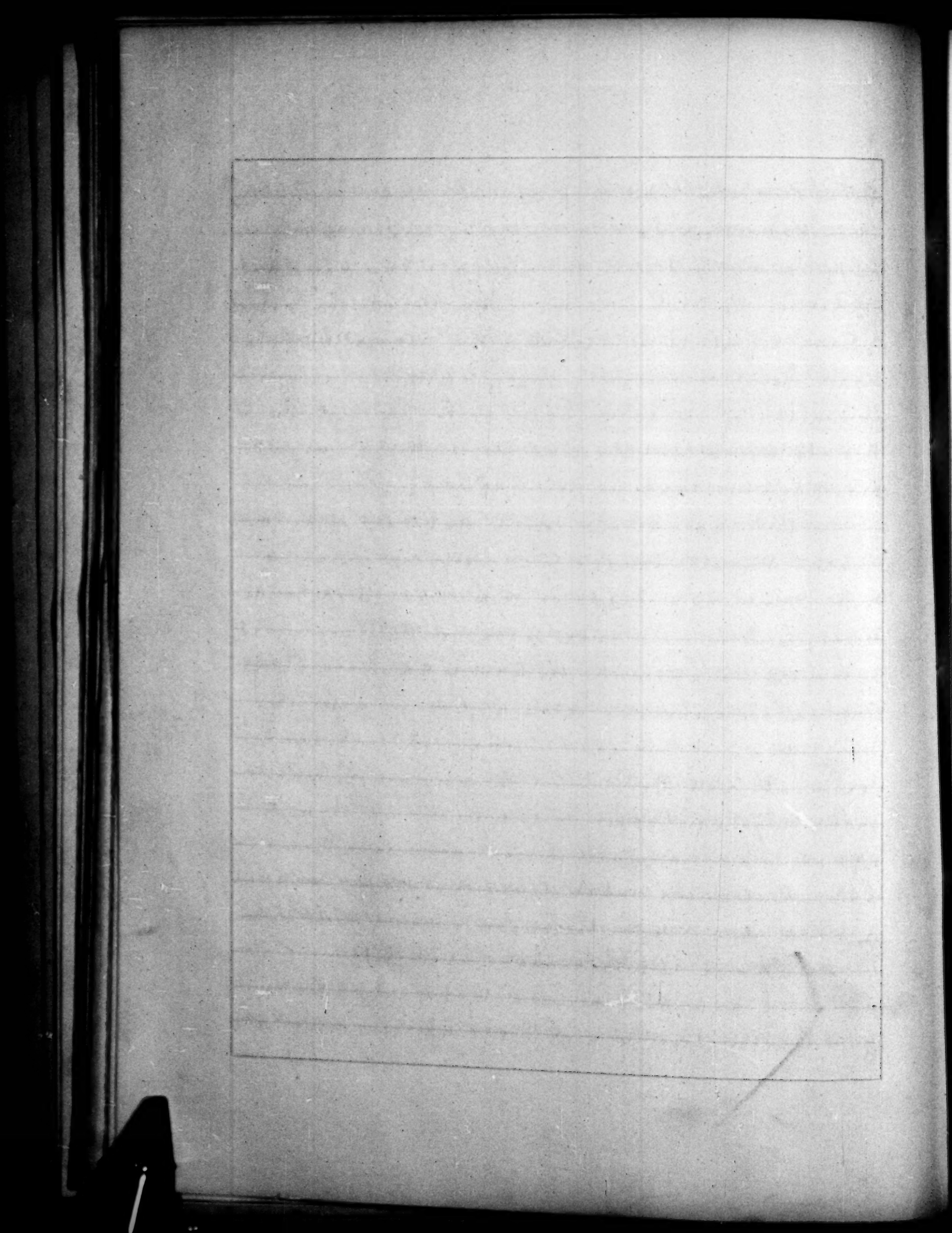
P. S. M[r] Oglethorpe is arrived ye 13[th] inst with the Georgians and is proceeded to port Royal I have recommended to the Assembly now sitting the giving him all the assistance the Country is able to afford. and they voted him Boats to carry him to the designed Settlement. 105 Head of Black Cattle, 25 Hogs and a Quantity of Rice for provisions. and 20 of our Rangers are ordered to cover him from any Insults that may be offered him by any Straggling Indians or others

I send inclosed the Armorers and Gunners Account from the 12[th] of June 1721 to 29[th] Sept 1732 pursuant to my Instructions

Rec[d] 26 April 1733
Read 27 Aug 1735

C 81 The Armourers & Gunner's of Charles Town's Account of Public Stores recieved and delivered by him from 12 June 1721 to 29 Sept 1732 Recieved with Col Johnson's Letter of 23 Jan 1732/3

N. B It has not been thought necessary to copy the aforement[d] account



B.P.R.O. A. & W. I. Vol. 19. p. 41

May it pleas Your Exc^y (9 Jan. 1732)

In Obedience to your Exc^ys Command and Order of Refference to me of the Twentyth Instant I have perused the Report of the Committee of the Upper house of assembly appointed to Conferr with a Committee of the lower house on the Form of the Grants proposed to be made to his Majtys Subjects of his Majestys lands in this Province.

I have Also perused that part of his Majestys Royall Commission to Your Exc^y relating to the Granting of lands in these words. And we do likewise Give and Grant unto You full power and Authority by and with the Advice and Consent of Our said Council to Settle and Agree with the Inhabitants of Our said Province for such lands Tenements and Hereditam^ts as now are or hereafter shall be in Our power to dispose of and them to grant to any person or persons upon such Terms and under such moderate Quitt rents services and Acknowledgm^ts to be thereupon reserved to us as You by the Advice aforesaid shall think fitt.

I have also perused that part of his Majestys 42^nd Instruction to your Exc^y wherein your Exc^y

is

is directed to take especial care That no Grants be made to any person but in proportion to his ability to Cultivate the same and that proper clauses be Inserted for vacating the said Grants on failure of Cultivation or payment of the Quitt rents reserved thereon.

I have perused the form of the Grants mentioned by the said Committee in their said report and also the form of other Grants of some of his Majesty's Royall predecessors and of his present Majesty of lands in other Colonys in America in which said other Grants in the place of the Condition is a Covenant, for payment of the Rents reserved, thereon by the words Yielding and paying or Rendring therefore the respective Rents &c.

And am therefore Humbly of Opinion That the said Condition in that part of the Grant ought rather to be a Covenant or Clause of Reddendum for payment of the rent reserved thereon as is usual in other Grants And that the Condition or Clause for vacating the said Grants on failure of payment of the Quitt rent which is directed to be inserted by his Majesty's said 42d. Instruction be added after the Reddendum and That it be extended to three years only after

after the said Rent becomes due. And herein I must Humbly beg leave to differ from the report of the said Committee because I humbly apprehend.

That it is as reasonable That the land should revert to the Crown, for non payment of the rent for three years as for not Cultivating it within that time But tis Humbly submitted to your Excy whether three or five years be the properest Term for vacating the said Grant on failure of payment of the Quitt rent.

I also Humbly beg leave further to differ from the report of the said Committee in that the reservation of the said Rent ought not to be in lieu of all Services because your Excy is by the said Clause of your Commission directed to reserve both rents and services on all Grants of lands in this Province.

I am also of Opinion That it is not necessary to make any refference in the Grants to the Act for the remission of the Arrears of Quitt rents & ca. And as his Majesty has been graciously pleased to Impower your Excellency to Grant away his lands Tenements and Hereditaments in this Province I am Humbly of Opinion That your Excy is thereby sufficiently Impowered to Grant the right of Fishing

Hawkins

Hawking Hunting and Fowling within the Bounds and limitts of the lands respectively to be granted

I humbly apprehend That as the words (a good Stock of battle) mentioned in the said draught of the Grants are Uncertain That so also are the words (a Stock of battle) And therefore it ought to be reduced to a certainty and the number of the Battle settled That is to say so many head for every hundred Acres which number is also humbly submitted to your Excellency.

I am also Humbly of Opinion That it may be agreeable to His Majesty's Gracious Intention to have all his Subjects secured in their Estates and propertyes to suffer such persons as are Grantees Under the Crown to surrender their Grants and take out new ones. Under the present regulations, which as 'tis humbly apprehended are agreeable to his Majesty's Royall Commission & Instructions to your Excy.

All which together with a Draft of a Grant which in pursuance of your Excts command I have prepared and hereto annexed is humbly submitted by,

May it please your Excy

your Excys most obedient Humble Servt

C. Pinckney. A. G.

Charles Town
9th Jany 1732

B. P. R. O. A. + W. I. Vol. 19. p. 51.

(26 Jan. 1732.)

May it Please your Excellency and Honrs

In Obedience to your Excellency and Honours Command I have Perused the Order of Reference to me of the Twenty fourth Instant on the memorial of John Gascoigne Esqr Attorney and Agent for John Roberts Esqr In which I am ordered to Report my Opinion "Whether His Excellency the Governor may "Lawfully Grant such Warrants for admeasuring and "Laying out the aforesaid Lands to the Lord Carteret "de bene Esse or Not ?" Upon which I am Humbly of Opinion, that as the Agents of my Lord Carteret have not laid Before your Excr and honours those grants to his Lordship under which they Claim, Nor even so much as Copys thereof and as the Laying out these Barronies to his Lordships Agents will in all Probillity Prevent other Persons from Running out these Lands under His Majesty, by wch His Majty will be Prevented from Receiving the Quit-rent for so much Land if his Lordships Grants should Happen to Prove not Good + Valid in Law, I say I am humbly of Opinion your Excr Cannot Lawfully take Notice thereof Nor make an Order to Survey them de

de bene Esse unless the Agents of my Lord Carteret Will enter into Proper Security to Pay to His Majesty the Ammount of the Quit-rents for forty Eight Thousand Acres of Land (being the Quantity of the four Barronies) for one Year if the said Agents do not Within that time Exhibit to and lay before your Exc.y the said Grants to my Lord Carteret or Authentick Copys thereof by which the Right to the said four Barronies is become Legally vested in his Lordship his heirs and assigns

All which is humbly submitted to your Exc.y and Honours

by Your Exc.y and Honours

Most Obed.t Humble Servt

Chr. Pinckney A.G.

Jan.y 26: 1732

A True Copy

Jesse Badenhop Clk Cor.

B.P.R.O. A & W.I. Vol. 19. p. 23.

Charles Town Janry 1732/3

My Lord

I have received the Honour of your Graces letter of the 8th Novr last by Mr Oglethorpe, who immediately proceeded to Port Royal, I shall always Imbrace all oportunitys to prove the Zeal I have for His Majesty's Service, and the respect I bear to your Grace. I have recommended to the Assembly now sitting, the giving Mr Oglethorpe all the Assistance this Country can afford, and they have voted him Boats to carry his people to their design'd Settlement, 105 Head of Cattle, 25 Hoggs, and a Quantity of Rice for Provisions; and 20 of our Rangers are ordered to cover them from any Insults that may be offered them by Straggling Indians or others; If anything more is necessary to further the Success of this undertaking I will do all in my power to forward it.

I am with great respect

Your Grace's

Most humble and most

Obedient Servant

Robert Johnson

His Grace the D. of Newcastle

B.P.R.O. A+W.I. vol. 19. p. 24.

Charles Town 29th January 1732/3.

My Lord

I send your Grace the Councils Representation to me, against Mr St John Surveyor General and Deputy Auditor. The Trouble and uneasiness he has given to me in person, by his Insolent behavour, should have passed in silence, and my private resentment would never have induced me to have taken up any of your Graces time about him, but as his behavour in his Publick Capacity has almost in every instance been attended with Corruption, partiality, and open defiance of the power of the Legislature, as well as disrespect and disobedience to His Majtys Instructions and the orders he has from time to time received from me, and His Majestys Council, grounded on the said Instructions; I should think myself inexcusable did I not lay before your Grace in a clear and true light, matters which so nearly concern His Majtys Honour and Interest, and the peace and prosperity of this his Province, I cannot conceive but that has already been, and now is represented to your Grace on this subject, will have a greater weight with your Grace than any Libels filled up with

with false facts, Allegations and the crafty Insinuations of on Whitaker, formerly Attorney General to the Lords Proprietors, and now a most active fellow in stirring up Contention in the Province, all assented to by Mr. St. John; for the said Whitaker is the sole Director of that most vain and weakest of men not to say worse of him. I shall only beg leave to add that if it should be my misfortune that any remonstrance from two obscure men, who are very deservedly Odious to the whole Country, should meet with more credit than what proceeds from His Majty's Governour and Council, it will hardly be in our Power to do His Majesty that Service, which we shall always be desirous, and inclined to perform and which we conceive we should be able to do, were we not obstructed in our Good Intentions by their Insolent and wicked measures, in order to debauch the minds of His Majty's Subjects, and seduce them from the Duty & Obedience which is due to His sacred Person and Government.

Notwithstanding these many and Gross misbehaviours I have not suspended the said Mr. St. John, and if I have committed any mistake in relation to him, I apprehend it was only in treating a person with too much Lenity, who knows not how to make a good use of it.

I shall offer Mr. St. John a Copy of the Council's Representation if he thinks fit to have it. I am with great respect My Lord your Graces most humble & most obedient Servant

Robt Johnson

B.P.R.O. South Carolina B. 2 Vol 7

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Charles Town 29 Jan 1733

Right Honble The Lords of Trade &c

My Lords

I send your Lordships the Councils Representation to me against Mr St. John Surveyor Surveyor General and Deputy Auditor The trouble and uneasiness he has given to me in person by his Insolent behaviour, should have passed in silence and my private resentment would never have induced me to have taken up any of your Lordships time about him. but as his behaviour in his Publick capacity has almost in every instance been attended with Corruption partiality and an open defiance of the power of the Legislature as well as disrespect and disobedience to His Majestys Instructions and the Orders he has from time to time received from me and His Majestys Council grounded on the said Instructions I should think myself inexcusable did I not lay before Your Lordps in a clear and true light. matters which so nearly concern His Majestys Honor and Interest and the peace and prosperity of this His province I cannot conceive but what has already been and now is represented to your Lordps on this subject will have a greater weight with your Lordps than any Libels filled up with false Facts. Allegations. and the crafty insinuations of one Whitaker formerly Attorney General to the Lords Proprietors and now a most Active fellow in stirring up contention in the province all assented to by Mr St. John for he is the sole director of that most vain and weakest of men. not to say worse of him I shall only beg leave to add that if it should be my misfortune that any remonstrances from two obscure men

who

who are very deservedly odious to the whole Country should meet with more credit than what proceeds from his Majestys Gov.r and Council it will hardly be in our power to do His Majesty that service which we shall always be desirious and inclined to perform, and which we conceive we should be able to do, were we not obstructed in our good intentions by their Insolent and wicked measures in order to debauch the minds of His Majestys Subjects and seduce them from the duty and obedience which is due to His sacred person and Government

Notwithstanding these many and gross misbehaviours I have not as yet suspended the said Mr St John and If I have committed any mistake in relation to him I apprehend it was only in treating a person with too much Lenity who knows not how to make good use of it

I shall offer Mr St John a copy of the Councils Representation if he thinks fit to have it. I am with great respect

My Lords

Your Lord.ps most humble and most

Obed.t Servant

Rob.t Johnson

Rec.d 23 April 1733
Read 27 Aug 1735

B P R O South Carolina B D vol 7.

E 83

Council Chamber 15 Dec. 1732

Representation of the Council of South Carolina to Governor Johnson and papers therein referred to relating to the ill conduct & misbehaviour of Mr. St. John Surveyor Gen.l & Deputy Aud.r there (referred to in Gov.r Johnsons Letter of y.e 29 of Jan.y 1732/3) inclosure

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To His Excellency Robert Johnson Esq. Capt.n Gen.l Governor & Comman.r in Chief in and over his Majestys province of South Carolina

The Representation of His Majestys Council in this province relating to James St. John Esq. Surveyor General and Deputy Auditor of this province

This Board having taken into consideration the Conduct and Behaviour of the abovenamed James St. John Esq. We beg leave to represent to your Excelly that the said James St. John for the space of seven months after his arrival here from England did assume to himself the Title and Character of His Majestys Auditor General of this province And in that Stile he appointed Mr. George Rolfe his Deputy Auditor for the Execution of the said Office. And when it was objected to the said James St. John. that the Right Hon.ble Horatio Walpole Esq. was His Majestys Auditor Gen.l of all America. and that the said Office of Auditor could not be executed here without a Deputation from him the said Mr. Walpole the said James St. John made answer thereto and insisted that the said Mr. Walpole could not be deemed Auditor General of this province. because he said his patent was prior to His Majestys purchase of this country from the late Lords proprietors But some time after

after the said S.t John's denial of the said M.r Walpoles title to the said Office of Auditor General This Board having taken into Question and Consideration what the nature was of the said pretended Right and authority which the said M.r S.t John set up to the said place of Auditor Gen.l It then appeared to this Board that the said M.r S.t John grounded his pretence of being Auditor General of this province upon his being apponted Inspector and Comptroller here. And the said M.r S.t John after he discharged the said George Rolfe from the said place of Deputy Auditor He the said S.t John then appointed Doctor Daniel Gibson his Deputy Inspector and Comptroller to exeecute the said place of Deputy Auditor And the said M.r S.t John being then present before us to answer Interrogatories relative to his said pretension The said James S.t John after many prevarications and evasive answers at length produced to us a Deputation from the said Right Hon.ble Horatio Walpole Esq.r appointing him the said S.t John Deputy Auditor of this province with proper Instructions relating thereto The suppression of which Deputation by the said James S.t John for the said space of seven months as aforesaid and the said S.t John for six months of the said seven having acted as Auditor of this province under a false Color and pretence of authority And his denial of his said Constituents having any Right to the Office of Auditor General Appears to this Board to be a great violation of Trust and a manifest imposition intended and acted by the said James S.t John on His Majestys Government and people in this province and may probably very much frustrate the good Effects proposed to his Majesty by

by the Quit Rent law lately passed here. Which Enacted That within the space of Eighteen Months after the opening the Auditors Office in this Province all Deeds and Titles relating to Land shall be registered in the Auditors Office in Order to procure thereby a Rent Roll to his Majesty But with much concern we observe to your Excelly that by the prevarications and Behaviour of the said James St. John many people are discouraged from registering their Deeds and Titles in that Office. which has so much incurred the Odium and Reproach of Imposition Abuse and uncertainty Nor can we frame to ourselves any possible reason for the said St. John's denying the Authority of the said Right Honble Horatio Walpole Esq his said Constituent in this province but that it must proceed from a design he had to defraud the said Horatio Walpole of any dues or perquisites he may be entitled to as Auditor General. and which he might have demanded of him his Deputy if he acted as such to prevent which he did design to act as Comptroller and Inspector only and therefore he suppressed not only the Authority derived from but also the Authority of the said Mr. Walpole himself. nor has to this day yet recorded the same in the Secretary's Office We must further beg leave to acquaint your Excelly that the said James St. John has received great favours and Indulgences from this Board. and at his first coming had our frequent advice and assistance to instruct him in his Business and to facilitate the proceedings of his Office whenever your Excelly was pleased (as you often were) to call us together for that special purpose And as a particular instance of our Tenderness and favor

to

to the said James S.t John We must inform your Excelly that on the second day of March last a Report of a Committee of the Lower House of Assembly was sent to this Board setting forth "That the said James S.t John had been "guilty of many and great partialities in the direction and execution of "Warrants for surveying of Land by giving undue preference to some and "unjustly postponing others" yet our Tenderness to the said James S.t John on account of his being His Majestys Officer induced us then to object to the generality of the said Report and to make that our reason for not taking any notice of the same or to join in any measures that might bring him the said James S.t John under the public Censure But we cannot but take notice to your Excelly of the many Complaints against the said James S.t John and that we have reason to suspect him guilty of great partiality and unfairness in his capacity of Surveyor General by encouraging his Deputys to expedite their surveys in favor of some people and to retard others And to give an undue preference of good Land and Soil to some. to the great disappointment of many others who expected a fair Mixture and distribution pursuant to His Majestys Instruction for that purpose And when in Execution of the Trust reposed in us by His most sacred Majesty The said James S.t John was desired to attend this Board that we might see his plotts and examine the conduct of his Office We find by a Letter directed to your Excelly signed and sent by the said James S.t John and delivered to you in Council and which you were pleased to communicate to us The said James S.t John said "He did not know any m

Authority

Authority we had to examine the proceedings of his Office. And he accordingly refused to attend us. Which prevents us from being so serviceable as we are always on our part desirous to be to the Trust and care committed to us by his most sacred Majty for the Inspection and disposal of His Royal Estate and Interest in this province And the said James St. John says further that he has wrote to His Majtys Ministry in Great Britain against your Excelly and this Board but being asked for Copies of such his Complaints that your Excelly and We might have an Opportunity of answering the same and acquitting ourselves of any unjust aspersions (a treatment he has always met with from your Excelly and this Board) he has utterly refused so to do pretending he has not Copies of such Complaints And notwithstanding the many civilities and favors which with the utmost candour we at many times conferred on the said James St. John in his said capacity of Surveyor General and which was always recommended and promoted by Your Excelly yet we must now reflect with the utmost resentment on the Confidence Imprudence and Ingratitude of the said James St. John in taking frequent liberties and Opportunitys to speak most disrespectfully of your Excelly and this Board. and saying "He did not value a Fig the Governor and Council here nor what they could do" and that to shew he would not pay any obedience to your Excellys commands he still continues to take unlawful Fees notwithstanding your Excellys orders in conjunction with this Board to him to the contrary upon repeated complaints from the People and to prefer himself here to an Esteem before your Excelly and this Board. he gives frequently out in speeches That he has an Interest with the Ministry in England superior to any

Interest

Interest of Governor and Council. And he the said James St. John very often pretends to receive letters from the Right Honble Horatio Walpole and other great personages in Great Britain. assuring him of their Superlative favor at home and that they will support him the said St. John in all his measures Which actings and doings of the said James St. John may very much tend to weaken His Majestys Govern.t and Interest here and such Behaviour in a Kings officer may very much contribute to infuse notions and Turbulence and Disobedience into the Minds of his Majestys subjects in this province We must therefore entreat your Excelly to concur with us in some proper measures to reduce the said James St. John to better demeanor and as by such behaviour. he very well deserves to be suspended from His said Office of Surveyor Genl. and some other competent person to be substituted in the said office during the said St. Johns suspension We particularly request that your Excelly will be pleased to write home and assure that a person so corrupt in his Office and so obnoxious in his Behaviour may be removed from His Majestys service in this province And that your Excelly will be pleased to transmit Copies of this Representation with such proofs as appear to us annexed to the Rt. Hon. the Lords Commrs of the Treasury. to His Grace the Duke of Newcastle. to the Right Hon. Horatio Walpole and to such other personages in Great Britain as your Excelly shall think proper

By their honors command
J. Badenhop Cler. Con.

Tho. Broughton. Arthur Middleton
Tho. Waring. Wm. Bull. A. Skene. Ja. Yonge
James Kinloch. Jno. Fenwicke. J. Hammerton

(Inclosure) Charles Town South Carolina

Whereas in and by an Act of the General Assembly of this province passed the 20th day of August 1731 It is enacted that all persons residing within the province of South Carolina who in their own Right as Executors all Guardians Executors Trustees and Attorneys who in right of others do hold or claim any Messuages Lands Tenements or Hereditaments within the said province by Vertue of any patents or Grants from the late Lords Proprietors or their Governors Deputies Commissrs or Trustees or by Vertue of any Mesne Conveyances under such original patentees or Grantees shall within Eighteen months after the passing the said Act register all and every such their patents Grants Mesne Conveyances Deeds or Wills respectively or Memorials thereof in the Office of His Majtys Auditor General of this province or his Deputy except Grants of Lots within the Townships already laid out and Leasehold Estates only and also that all Mortgagees of Lands and Tenements in this province having any such Original Grants or Mesne Conveyances &c in their Hands of the Mortagors shall register the same or a Memorial thereof in the manner aforesaid And further that in case such persons who shall have registered their Lands &c as aforesaid shall afterwards sell or dispose of the same or any part thereof they shall cause a new Memorial to be made of the Indenture or Deed by which the same are conveyed to be exhibited and filed with his Majestys Auditor Genl or his Deputy And if devised by Will then the devisee Executors or Administrators shall exhibit a Memorial of such Will to be filed as aforesaid

And it is further Enacted by the Authority aforesaid That all

Lands

Lands whatsoever lying and being within the said province of South Carolina now in the Tenure or occupation of any person or persons whatsoever living and residing within the same province. that shall not be registered in the Office of the said Auditor General or his Deputy within Eighteen months after the said Office shall be erected and established in Charles Town, and publick Notice given thereof by the said Auditor General or his Deputy the same shall be reputed deemed and taken as Vacant Lands. and it shall be lawful for any person to take up the same

This is therefore to give Notice that James St. John Esq being appointed by His Majesty Auditor General of this province hath now opened his Office in Charlestown in order to Register all such Grants. patents. Mesne Conveyances. Deeds Wills &c or Memorials thereof. to be filed as aforesaid as shall be brought to him the said Auditor General or his Deputy for that purpose. And that attendance will be given at the Office of the said Auditor General every day from the hours of Nine to twelve in the Forenoon and from Two to Five in the Afternoon. Sundays & Holidays excepted.

Signed by Order of His Majestys Auditor Genl. this 27th Novr. 1731

George Rolfe Dep. Auditor

Recd 23 April 1733

Read 27 Aug. 1735

B. P. R. O. South Carolina B. T. vol 4

E. 84

rec.d 23 apr.l 1733

To the R.t Hon Lords Comm.rs for Trade &c.

My Lords

Having been applied to by Capt Savcrigne of His Majestys Ship the Aldborough Agent for John Roberts Esq to whom my Lord Carteret has sold Eight Baronys of 12000 Acres of Land each his Lordships claims in this province. Desire to have four of them Admeasured. And His Excellency the Governor having received a Letter from His Grace the Duke of Newcastle of the 30th of April 1731 directing him to give all due Encouragement to his Lordships Agents in taking up any particular Baronys or divided parcels of Lands here. to which his Lordship is entitled to We thought it our duty to acquaint Your Lordships with the steps we have taken in this Affair Which we think we cannot better do than by sending your Lordships copies of the Letters we have writt to my Lord Carteret and the Kings Attorneys Report here which we have Inclosed.

My Lords

Your Lordships most obedient

and most humble Servants

Robert Johnson. Tho.s Broughton

Ar. Middleton Jn.o Fenwicke

Jn.o Fenwicke Jas. Kinloch

Rob.t Wright I. Hammerton

(Inclosure)

(Inclosure) Council Chamber 6 Dec 1732

To the Right Honble Lord Carteret

My Lord

We have taken into consideration your Lordships letter of the 5th of June 1731 Inclosing one from his Grace the Duke of Newcastle of the 30th of April then last past. together with a Memorial of Capt. Gascoigne agent for John Roberts Esq. of the 9th of November last (To whom your Lordship says you have sold Eight Baronys) on these we have had the opinon of His Majestys Attorney Genl here which is Inclosed to your Lordship

We are humbly of opinion that it does not appear here That your Lordsp has the Title to the Baronys or particular parcels of Land in this province mentioned in your Lordship's letter or any other Right than that of a proprietor. which is particularly reserved to your Lordship by the Act of parliament As to any other Reservations or Exceptions in the said Act we conceive Your Lordship to be on the same footing with other Grantees from the late Lords proprietors. That if your Lordship has any Grants of Lands heretofore granted by them (which we are far from doubting) such Grants must be registered here or Authentic Copys of them. and even in that case we apprehend they must attend the fate of the Quit Rent Law now under the consideration of His Majesty Unless your Lordship can obtain His Majestys Order for Admeasuring and Ascertaining those Lands to your Lordship or your Assigns

We are sensible we have agreed to the ascertaining Two Baronys part of the Eight your Lordship has disposed of at his Grace the Duke

of

of Newcastle's instance but we cannot by any means advise the doing the same again much less to put the Seals to those already laid out without His Majestys Warrant It being a material Objection to the Quit Rent Law (as we are informed) That it makes valid these Grants by patent for Baronys which otherwise would not be good or of any consequence against His Majesty According to the Law and there being many other persons in your Lord^{ps} situation with regard to Grants of Baronys to the Amount to some Thousand Acres We are assured they will all require the same to be done for them. as some have already applied for. to which we dare not agree till we see the fate of the Quit Rent Law or His Maj^{ty} sends his positive commands in relation to them

We take notice that His Grace the Duke of Newcastles letter seems not to be writ in the style of an Order from the King and therefore will not serve as a Warrant to justify us in ordering the admeasuring or taking up Lands as your Lordship desires His Grace desires "The Governor "will all due encouragement to your Lordships Agent for taking up "any particular Baronys or divided parcels of Land in Carolina to "which you are entitled and which are reserved to your Lordship by the "late Act of parliament" The Lords Comm^{rs} for Trade and plantations furnished the Governor with the opinion of the Attorney and Solicitor Gen^{l} that all these Grants are void in Law because of the uncertainty of them under which uncertainty we presume your Lordships Grants labour equally with the others nor can it be known here when those Grants were made before the year 1729 which they are directed to be if made valid by

the

aforementioned Act of parliament.

It is with pleasure that we can inform your Lordship that we find your Quit Rents paid without any reluctancy to His Majestys receiver thó not enjoined by Law which we hope will be of great ease and sauce to you To facilitate which we beg leave to assure your Lordship we will at all times do what is in our power. My Lord

Your Lordships most obedient

A true Copy and most humble Servants

(not signed)

(Inclosure) Council Chamber 28th Feb.y 1733

To H. Honble Lord Carteret

My Lord

Notwithstanding what we had the honor to write your Lordship on the 9th of December last in relation to laying out and admeasuring four Baronys for your Lordship sold to John Roberts Esq upon a new application of John Gascoign we have re-considered the same and have found (with great pleasure to ourselves) an expedient which has enabled us to serve your Lordship

The Attorney Generals chief objection to admeasuring the said Baronys being that so much Land would be kept from others of His Majestys Subjects that might take them up and pay the Kings Quit Rents whereby His Majty might lose a years Quit Rent. And his Excell.y the Governor having become bound to His Majesty for a years Quit

Rent

Rent if in that time your Lordship shall not transmit to this place your patents or authentic copys of them or that they shall not be found sufficient to entitle your Lordship or your Assigns to the Lands we have on that directed the four Baronys to be admeasured De Bene Esse

We wish what we have done may be of the service to your Lordp. we intend But here are a sett of men who on a rumor only that the Quit Rent Law will be repealed have taken upon them to run out all Lands heretofore admeasured by patents and are sending home two Solicitors Mr. Hume & Whitaker to solicit for Grants for them having been refused them here and these persons are the same who complained of engrossing vast Quantities of Lands in a few hands in prejudice of the Country But appear now to have complained only, that the Lands might be taken up by themselves whether they will shew any more respect to your Lordship is very doubtful they having yet shewn none to anyone. We hope what we have transacted will be satisfactory to your Lordship. as it is to us that we have an opportunity of shewing your Lordship that we are. My Lord

Your Lordships

Most obedient humble Servants

Robert Johnson. Ar. Middleton

Thos Broughton. Fra: Yonge

Jas. Kinloch. Jn.o Fenwicke

Robt Wright. Jn.o Hammerton

A true Copy

J. Badenhop Cler. Con.

(Inclosure)

(Inclosure) Copy of the Attorney Genl. of South Carolina's Report 26 Jany. 1732 about admeasuring and laying out certain Lands Claimed by Mr. Roberts under yr. Lord Carteret

May it please your Excellency and Hon rs

In Obedience to your Excellencys & Hon rs command I have perused the Order of Reference to me of the Twenty Fourth instant on the Memorial of John Gascoigne Esq Attorney and Agent for John Roberts Esq. in which I am ordered to Report my opinion whether his Excelly the Governor may lawfully grant such Warrants for admeasuring and laying out the aforesaid Lands to the Lord Carteret de Bene Esse or Not? upon which I am humbly of opinion that as the Agents of my Lord Carteret have not laid before Your Excellency & Honours those Grants to his Lordship under which they claim nor even so much as Copys thereof and as the laying out these Baronies to his Lordships Agents will in all probability prevent other persons from running out these lands under His Majesty by which His Majesty will be prevented from receiving the Quit Rent for so much Land (if his Lordships grants should happen to prove not good and valid in Law) I say I am humbly of opinion your Lordship cannot lawfully take notice thereof nor make an Order to survey them de Bene esse unless the Agents of my Lord Carteret will enter into proper Security to pay to His Majesty the amount of the Quit Rents for forty eight thousand Acres of Land being the Quantity of the four Baronys for one year, if the said Agents do not within that time exhibit to and lay before your Excelly the said Grants to my Lord Carteret or authentic Copy thereof by which the Right to the four Baronies is become legally vested in his Lordship

his

his Heirs and Assigns. All which is humbly submitted to your Excellency and Honours

Your Excell.y and Hon.rs most obed.t Humble Servant

26 Jan.y 1732. C.rs Pinckney. A.G.

A true Copy

Jesse Badenhop Cler. Con.

(Inclosure) Copy of His Excellencys Warrant to the Surveyor Gen.l

Carolina. ss. By his Excellency Robert Johnson Esq Captain General Governor and Comm.r in Chief in and over His Majestys province of South Carolina

To James St. John Surveyor General

Whereas The Right Hon John Lord Carteret hath a Grant or Grants of four Baronies each containing Twelve thousand Acres of Land in this province and Whereas His Grace the Duke of Newcastle one of His Majestys principal Sec.rys of State by His letter dated at Whitehall the 30th day of April 1731 has desired us to give all due encouragement to the Agents appointed by my Lord Carteret for taking up any particular Baronies or diverdid Tracts of Land in Carolina to which his Lordship is Entitled and which are reserved to him by the late Act of parliament relating to that Colony. You are therefore hereby directed and required to admeasure or cause to be admeasured and laid to John Sasseigne Esq Agent for John Roberts Esq (who hath purchased the said four Baronies from the said Lord Carteret) four Baronies each containing twelve thousand Acres of Land in this province de Bene esse observing His Majestys 42d

and

and all other His Majesties Royal Instructions relating to the Laying out Lands and observing that the said Lands be not patent lands or Land formerly Surveyed provided always that you do not make or suffer to be made out any Certificate of the Platts of the said Land but the same shall remain in Your Office till mine and His Majesty's Honorable Councils further directions or orders therein And for your so doing this shall be a sufficient Warrant

Given under my hand

A true copy

Jesse Baden hop. Cler. Con.

(Inclosure) 8 Dec 1732

May it please your Excellency

In obedience to your Excy Command I have perused the Memorial of John Gascoigne Esq Attorney for and on behalf of John Roberts Esq of Deans Court in the County of Middlesex of the 9th of Novr last praying that your Excy would be pleased to give some orders and directions to His Majestys Surveyor Genl to lay out and ascertain four Baronies each containing twelve thousand acres of land in this province to the said John Roberts who derives Title thereto from and under the Right Honble John Lord Carteret proprietor of one Eighth part of this province I have likewise perused a letter from the Grace the Duke of Newcastle one of His Majestys principal Secretarys of State to your Excy bearing date the 30th April 1731 wherein His Grace desires your Excy will give all due encouragement to my Lord Carterets Agents for taking up any particular Baronys or divided parcels of land in Carolina to which his Lordship is entitled and which are reserved to him by the late Act of parliament relating to this Colony. I have also perused the

the said Act of parliament and find therein the following exception Viz.t Except all such Tracts of Land Tenements and Hereditaments as have been at any time before the first day of Jan.y 1727 granted or conveyed by or comprised in any Grants Deeds Instruments or Conveyances under the Common Seal of the said Lords Prop.rs either in England or in the province aforesaid Also find a saving in the said Act to my Lord Carteret to his right of One Eighth part of the said province and all other Rights and Titles as the said Lord Carteret then had or might have had or have been entitled to in case the said Act had not been made I have likewise perused attested Copys under the Seal of the Lord Mayor of London of certain Indentures of Lease and Re Lease bearing date respectively the 4.th and 5.th days of June 1731 mentioned to be made between John Lord Carteret of y.e one part and the said John Roberts Esq.r of the other reciting that Whereas the said John Lord Carteret palatine and the rest of the Lords and absolute proprietors of the said province did grant release and confirm unto ye common Seal of the said province unto the said John Lord Carteret four Baronies each containing Twelve thousand Acres of Land english measure in what part of the said province His Lordship or his Agents should choose that was not then taken up (except the land called Yamasee land) to hold the said four Baronys of Twelve thousand Acres of Land each (except as is therein excepted) to him the said John Lord Carteret his Heirs and Assigns for ever at and under the yearly rent of a pepper Corn (if legally demanded) payable to the said palatine and the rest of the said Prop.rs their Heirs and Assigns

From all which I beg to observe to your Exc.y that my Lord Carteret and

and consequently those claiming under him as to the said four Baronys is only on the footing of the other patentees of the said late Lords proprietors. for that these four Baronys are not part of His Lordships eighth part of the province. but are conveyed to His Lord.p by the said proprietors as other lands were conveyed by their Lord.ps to other persons. That by the Exception in the said Act herein before mentioned only those Grants that were made by their Lord.ps the late proprietors before the 1.st of Jan 1/2 7/ are excepted out of and saved from being vested in His Majesty by the said Act. and altho it is not to be doubted but my Lord Carteret has such Grants as are mentioned in the recital of the said Deeds of Lease and release. nor but that the said Grants of the said four Baronys were made by their Lordships before the said first of Jan.y 1/2 7/ Yet as the said Grants or Attested Copys of them do not appear to your Exc.y but only by the short recital herein before mentioned in which recital the time of passing the said Grants is not expressed. I humbly submit it to your Exc.y whether your Exc.y can take any notice of those Grants which do not appear or make any Order on the said Mem.l in relation thereto.

I am Your Exc.y most obed.t Servant
Cha: Pinckney A.G

A true Copy
Jesse Badenhop Cler. Con.

Rec.d 23 April 1/33
Read 27 Aug. 1/35

B P R O South Carolina B T vol 7

E 85 Charles Town 31 Jan 1733

May it please your Lord p

Mr Secretary Hammerton having laid before me in Council a paragraph of a Letter to him from the Right Honorable Horatio Walpole Esq of the 24th of July 1732 Wherein he is pleased to tell him that if I will represent to your Lordships and the Lords of the Treasury what the salarys were which were formerly paid out of the Quit Rents by the late Lords proprietors to their Officers and which have not been confirmed by His Majesty together with my opinion of the reasonableness of them. that then your Lordships would consider of them

I have therefore in obedience to the said Letter herewith enclosed Your Lord ps such a List of Salarys as is required which were established in this province when the Money was about the value of Proclamation Money without which those Offices are Inconsiderable and submit the consideration of them to your Lordships being My Lords p

Your Lord ps most obed t most humble Servant

Rob t Johnson

(Inclo:)

An account of what Salaries the Late Lords Prop rs gave to their Officers in this province

To the Chief Justice P Annum	Eighty pounds
To the Secretary	Fifty pounds
To the Attorney General	Fifty pounds
To the Rec r Gen l 10 P cent and for his Clerk £20	Twenty pounds
To the Naval Officer	Forty pounds

Rec d 28 June 1733
Read 27 Aug 1735

Rob t Johnson

B P. R. O. South Carolina B D vol 7
E 86

10 Dec.r 1733

My Lords

His Majesty's Council and the Assembly having lately made some Observations, on the Form of Grants of Lands from His Majesty to the Inhabitants of this Province I had the honor formerly to transmit to Your Lordships I referred the same to the Attorney General whose Report thereon I herewith send your Lordships together with the Form of the Grant by him proposed, which the Council having approved is the Form now made use of and which I hope will meet with your Lordships Approval. I am

Your Lordships

Most obed.t Servant

Rob.t Johnson

Rec.d 18.th April 1733
Read 27 Aug.t 1735

B P R O. South Carolina B 2 vol 7 Inclosure - 10 Feb 1733

E 88

Charles Town 29th Jan 1733

To Robert Johnson Esqr

May it please your Excy

In obedience to your Excys Command and Order of Reference to me of the 20th Instant I have perused the Report of the Committee of the Upper House of Assembly appointed to confer with a Committee of the Lower House on the Form of the Grants proposed to be made to His Majestys Subjects of His Majestys Lands in this province. I have also perused that part of His Majestys Royal Commicon to your Excy relating to the Granting of Lands in these words and we do likewise Give and Grant unto you full power and Authority by and with the advice of our said Council to settle and agree with the Inhabitants of our said province for such Lands Tenements and Hereditaments as now are or hereafter shall be in our power to dispose of and them to grant to any person or persons upon such terms and under such moderate Quit Rents services and Acknowledgements to be thereon reserved to Us as you by the Advice aforesaid shall think fit

I have also perused that part of his Majestys 42nd Instruction to your Excy wherein your Excy is desired to take Special care that no Grants be made to any person but in proportion to His ability to cultivate the same and that proper clauses be inserted for vacating the said Grants on failure of cultivation or payment of the Quit Rents reserved thereon I have also perused the form of the Grants mentioned by the said Committee in their said Report and also the Form of other Grants of some of His Majestys

Royal

Royal predecessors and of His present Majesty of lands in other Colonys in America in which said other Grants in the place of the condition is a covenant for payment of the rents reserved thereon by the words Yielding and paying or rendering therefore the respective Rents &c And am humbly of opinion that the said Condition in that part of the Grant ought rather to be a covenant or Clause of Redendum for payment of the rent reserved thereon as is usual in other Grants And that the condition or clause for vacating the said Grants on failure of payment of the Quit Rent which is directed to be inserted by His Majestys said 42d Instruction be added after the Redendum and that it be extended to Three years only after the said Rent becomes due And herein I must humbly beg leave to differ from the Report of the said Committee because I humbly apprehend that it is as reasonable that the land should revert to the Crown for non payment of the Rent for Three Years as for not cultivating it within that time But this humbly submitted to your Exc.y whether three or five years be the proper Term for vacating the said Grant on failure of payment of the Quit Rent I also humbly beg leave further to differ from the Report of the said Committee in that the reservation of the said Rent ought not to be in lieu of all services because your Exc.y is by the said Clause of your Commission directed to reserve both rents and services on all Grants of lands in this province

I am also of opinion that it is not necessary to make any reference in the Grants to the Act for the remission of the Arrears of Quit Rents &c and as his Majesty has been graciously pleased to Impower Your Exc.y to Grant away his Lands Tenements and Hereditaments in this

this province I am humbly of opinion that your Exc^{cy} is thereby sufficiently Impowered to Grant the Right of Fishing Hawking Hunting and Fowling in the Bounds and limits of the lands respectively to be granted

I humbly apprehend that as the words (a good stock of cattle) mentioned in the said Draft of the Grants are uncertain that so also are the words (a Stock of Cattle) and therefore it ought to be reduced to a Certainty and the number of the Cattle settled that is to say so many head for so many hundred acres which number is also humbly submitted to your Exc^{cy}

I am also humbly of opinion that it may be agreable to His Majestys gracious Intention to have all His Subjects secured in their Estates and properys to such persons as are Grantees under the Crown to surrender their Grants and take out new ones under the present regulation which as he humbly apprehended are agreable to His Majestys Royal Commission and Instructions to your Exc^{cy} All which together with a Draft of a Grant which in pursuance of Your Excellys command I have prepared and hereto annexed is humbly submitted by

May it please Your Exc^{cy}

Your Exc^{cys} most obed^{t} humble Servant

C. Pinckney A. G.

Rec^{d} 18 April 1733
Read 27 Aug^{t} 1735

B.T.P.R.O South Carolina B.T. Vol 7

C. 87

rec.d 18 Sept 1733

Some observations made by y.e Council and Assembly of South Carolina on the Form of Grants of Land from His Maj.ty to the Inhabitants of that Province (rec.d with Col Johnsons letter dated 10 Feb 1732/3)

The Committee of His Majestys Council appointed to confer with a Committee of the Lower House of Assembly on the Form of the Grant proposed to be made to His Majestys Subjects of His Maj.ty's Lands in this Province Report that on perusal of the Form of the said Grant they find that instead of Yielding and paying which amounts to a Covenant for the payment of the Rent and is usually inserted in all other His Majestys Grants It is inserted in the Grant On Condition that the Tenant pay the Rent at a day certain the non-performance of which is an immediate and Absolute forfeiture of the Estate and they humbly conceive his Maj.ty never Intended to take so strict an advantage of his Subjects as to render their Estate so precarious They likewise apprehend that five years is a reasonable time wherein Lands ought to be forfeited and to revert to the Crown in case of non-payment of the Rent if no distress can be found That it ought to be mentioned in the Grant that the Rent thereon reserved be in lieu of all services That no part of the Grant ought to depend on or have reference to an Act which has not received his Majes.ty's Approbation That his Majestys Subjects ought by the Grant to enjoy a Right of Fishery on the Rivers ponds and Lakes lying on or contiguous to the Land they claim by such Grants as also Hawking. Hunting and Fowling as usual

That

That it ought to be said in the Clause of Settlement a Stock of Cattle because it is not apprehended what is meant by a good Stock And that in all other respect the Grants ought to run in the usual form of Lands commonly granted to His Majestys Subjects in the rest of His Majestys Colonys That if any person have taken out Grants they ought to be at Liberty if they see fit to Surrender their Grants and take out new ones on the like terms That in such new Grants there ought to be a recital of the former All which the Committee of the Lower House unanimously Concurred

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(Inclosure) Form of a Grant of Land in South Carolina from His Majesty to the Inhabitants of that Province

South Carolina

George the Second by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c To all to whom these presents shall come Greeting Know ye that We of our Special Grace certain Knowledge and Meer Motion have Given and Granted And by these presents for us our Heirs and Successors do Give and Grant unto Heirs and Assigns all that parcel or Tract of Land containing Acres situate lying and being in County in the Province aforesaid and and hath such shape Form and Marks as appears by a Plat thereof hereunto annexed together with all Woods Underwoods Timber and Timber Trees Lakes Ponds Fishings Waters Water Courses Profits Commodities Appurtenances and Hereditaments whatsoever thereunto belonging or in any wise appertaining together with the privilege of Hunting Hawking and Fowling in and upon the same and all Mines and

and Minerals whatsoever saving and reserving nevertheless to Us our Heirs and Successors all White pine Trees if any should be found growing thereon And also saving and reserving to Us our Heirs and Successors one Tenth part of Mines of Silver and Gold only To have and To hold the said Tract of

Acres of Land and all and singular the premises granted with the Appurtenances unto the said Heirs and Assigns forever in free and common Soccage the said Heirs or Assigns yelding and paying therefore unto Us our Heirs and Successors or to our Receiver Gen.l for the time being or to his Deputy or Deputies for the time being yearly that is to say on every Twenty fifth day of March at the rate of Three shillings Sterling or four shillings proclamation Money for every Hundred Acres and so in proportion according to the Quantity of Acres contained herein the same to grow due and be accounted for from the date hereof Provided always and this present Grant is upon Condition nevertheless That the said Heirs or Assigns shall and do within Three years next after the date of these presents Clear and cultivate at the rate of One Acre for every five hundred Acres of Land and so in proportion according to the Quantity of Acres herein contained or Build a Dwelling House thereon and keep a Stock of five head of Cattle for every five hundred Acres upon the same and in proportion for a greater or lesser Quantity And upon Condition that if the said Rent hereby reserved shall happen to be in arrear and unpaid for the space of Three years from the time it became due and no Distress can be found on the said Lands Tenements and Hereditaments hereby granted

That

That then and in such case the said Lands Tenements and Hereditaments hereby granted and every part and parcel thereof shall revert to Us our Heirs and Successors as fully and absolutely as if the same had never been granted Provided also if the said land hereby mentioned to be granted shall happen to be within the Bounds or Limits of any of the Townships or of the Land reserved for the Use of the Townships now laid out in Our said Province in pursuance of our said Royal Instruction That then this Grant shall be void any Thing herein to the Contrary contained notwithstanding Given under the Great Seal of our said province Witness Robert Johnson Esq Our Governor of our said Province of South Carolina the day of in the Year of Our Reign Annoq. Dom' 1733

Rec^d 18 ctprii 1733
Read 27 Aug 1735

B.P.R.O. a-W.I. Vol. 19. p. 49.

(28 Feb 1732)

My Lord

Notwithstanding what we had the Honour to write your Lordship on the 9th of Decembr last in relation to laying out & admeasuring four Baronies for your Lordship sold to John Roberts Esqr upon a new Application of Capt John Gascoign we have reconsidered the same, & have found (with great pleasure to ourselves) an Expedient which has enabled us to serve yr Lordship.

The Attorney Generals chief Objection to Admeasuring the said Baronys being that so much Land would be kept from the others of His Majesty's Subjects that might take them up and pay the Kings Quitrent Whereby His Majesty might lose a years Rent. And His Excellency the Govern., having become bound to His Majesty for a Years Quit rent, if in that time your Lordship shall not transmit to this place, your Patents or authentick Copies of them, or that they shall not be found sufficient to entitle your Lordship or yr Assigns to the Lands, We have on that directed the four Baronys to be Admeasured De bene Esse.

Rt Honble Lord Carteret

We

We wish what we have done may be of the Service to your Lordship we intend, but here are a Sett of Men who on a rumour only that the Quit rent Law will be Repealed have taken upon them to run out all Lands heretofore Admeasured by Patents, and are sending home two Sollicitors Mr Hume and Whitaker to Sollicite for Grants to them having been refused them here, And these persons are the same who complained of Engrossing vast Quantities of Land in few hands in prejudice of the Country, But appear now to have complained only that the Lands might be taken up by themselves. Whether they will shew any more Respect to your Lordship is very doubtful, they having yet shewn none to any one.

We hope what We have Transacted will be Satisfactory to your Lordship, As it is to us that we have any opportunity of shewing your Lordship that We are

Council Chamber the 28th Feb.y 1732.

My Lord
Your Lordship's
most Obedient humble Servants

A True copy Jesse Badenhop Cler Cour.

B. P. R. O. South Carolina B. T. vol 7

E. 89

Charles Town 28th March 1733

To the Right Honble Lords for Trade &c

My Lords

I enclose to your Lordships the Naval Officers List of the Ships and Vessels entered Inwards and Cleared outwards in this Port from Midsummer 1732 to the Christmas following I am

My Lords

Your Lordps most obed! and most humble Servant

Robt Johnson

Recd 28 June 1733
Read 27 Aug. 1735

E 98

(Endorsement)

South Carolina

Five Letters from Mr Fox Naval Officer at Charles Town in South Carolina dated June 28th 1734. Oct. 30th 1734 Feb 6th 1734/5 May 9th 1735 and 27th June 1735 transmitting the lists of Vessels entred and cleared at that port for the several Quarters ended at Midsummer Michas & Christmas 1734 and Lady day and Midsummer 1735

Recd 24 Sept. 1734
Read 18 Sept 1735

N B It has not been thought necessary to copy those Lists

B.P.R.O. A & W.I. Vol 19 p. 42.

Charles Town the 30th March 1732.

My Lord,

I take this opportunity by Mr Yonge one of His Majtys Council here who will have the Honour of waiting on Your Grace, as soon as he arrives in London; to inform yow that I have used my best endeavours to get a Fort and Barracks erected on the River Alatamaha, as I have been commanded by His Majty, for the reception of a Detachment of his Majtys Independeat Company, and have in order hereto often recommended to the Assembly, to provide Money for that Service, to which they had once Agreed, and voted to provide £800 Stg for that, and for a Fort at Port Royal, and I ordered Timber to be sawed and Squared, which was in part done; but that money being all Expended on the Fort at Port Royal, and upon the new Settlers arrival in Georgia, they now looke upon that place as out of this Province and Government, so that I am at a loss how to proceed without his Majestys further Instructions, & which way the Charge of this Building must be defrayed without which the Detachment cannot be sent.

His Grace the Duke of Newcastle

Mr.

Duplicate
Sept. 25

Mr Yonge will lay before your Grace a plan of the Town of Beaufort on Port Royal River, and has Directions to assist Mr Fury in soliciting his Majty that that Port and Harbour may be fortified & Secured, being very convenient and of great Importance. If this should be consented to, it may be one of the finest Ports in America, for the Reception of His Majtys Royal Navy. I have therefore deferd granting any of the Lotts, that were not already Granted before my time, altho' Sollicited thereto, by many people who would Settle there, until I am advised what part of it may be usefull for Stores, a Dock or such other Conveniencies, as may be wanted for His Majtys own use, for the better Careening and fitting out the Ships of War. I have prevailed with the Assembly to purchase One Hundred Acres of Land where a Fort is erected near Beaufort and Barracks for the Accomodation of the said Company of Captn Massey's which is near Finished; and shall be glad to be Honrd with your Grace's Commands in relation to the other Fort. I am with great respect

My Lord, Your Graces most humble and obedt Servt Robt Johnson

P.S. I am glad I have prevailed on the Assembly, to double Mr Furys Sallary, with whom we are all very well pleased.

NB. Not in Letter to Ld. of Trade.

(Duplt

B P R O South Carolina B D vol 7
E 90 4

Charles Town 30 March 1733

To the Right Honble the Lords for Trade &c

My Lords

I take this opportunity by Mr Yonge one of His Majestys Council here, who will have the honor of waiting on your Lordships as soon as he arrives in London to inform you that I have used my best endeavors to get a Fort and Barracks erected on the River Alatamaha as I have been commanded by His Majesty for the reception of a detachment of His Majestys Independent company, and have in order thereto often recommended to the Assembly, to provide money for that service, to which they had once agreed and voted to provide £500 Sterling for that and for a Fort at port Royal, and I ordered Timber to be sawed and squared, which was in part done, but that money being all expended on the Fort at Port Royal, and upon the new Settlers arrival in Georgia they now look upon that place as out of this province and Government, so that I am at a loss how to proceed without His Majestys further Instructions and which way the charge of this Building must be defrayed, without which the Detachment cannot be sent. Mr Yonge will lay before your Lordships a plan of the Town of Beaufort on Port Royal River, and has directions to assist Mr Bury in soliciting His Majty that that port and Harbor, may be fortified and secured being very convenient and of Great Importance If this should be consented to it may be one of the finest ports in America, for the reception of His Majestys Royal Navy I have therefore deferred Granting any of the Lots that were not already granted before my time, altho solicited thereto by many people, who would settle there, until

I

I am advised what part of it may be useful for Stores a Dock or such other Conveniencys as may be wanted for His Majestys own use for the better careening and fitting out the Ships of War I have prevailed with the Assembly to purchase one hundred acres of Land where a Fort is erected near Beaufort and Barracks for the accomodation of the said Company of Capt.n Massey. which is near finished and shall be glad to be honored with your Lordships Commands in relation to the other Fort I am with great respect. My Lords

Your Lordships most obedient
and most humble Servant
Robt Johnson

Recd 28th June 1733
Read 27th Augt 1735

B P R O South Carolina 32 106 f

E 61

Charles Town 2 April 1733

To the Right Honble The Lords for Trade &c

My Lords

Francis Yonge Esq one of His Majesty's Council here being appointed by the General Assembly, to go to England to represent the state of Affairs in this province and he being perfectly acquainted with them, and carrying such Materials over as will enable him to put everything in a true light before you I shall not trouble your Lordsps with a recital of them but will refer to what Mr Yonge will inform you on that subject

Ralph Izard Esq who was appointed one of His Majesty's Council for this province having refused to qualify I take the liberty to name to your Lordships Colonel Blake son to one of the proprietors and Mr John Baker Merchant of this Town that your Lordships may appoint one of the two in the Room of Mr Izard. if your Lordships shall think proper. I am with great respect My Lords

Your Lordships most obedient
and most humble Servant
Robt Johnson

Recd 28 June 1733
Read 28 Aug 1735

B.P.R.O. a & N.S. Vol 19. p. 43.

Charles Town 2d April 1733.

My Lord,

Francis Yonge Esqr One of His Majesty's Council here, being appointed by the General Assembly to go to England, to represent the state of affairs in this Province, and he being perfectly acquainted with them, and carrying such materials over, as will enable him to put everything in a true light before your Grace, I shall not trouble your Grace with a recital of them, but refer to what Mr Yonge will inform you on that Subject.

Ralph Izard Esqr who was appointed One of His Majesty's Council for this Province, having refused to qualify, I take the Liberty to name to Your Grace, Colonel Blake, son to one of the late Proprietors, and Mr John Baker Merchant of this Town; that Your Grace may appoint one of the Two, in the room of Mr Izard, if your Grace shall think proper. I am with great respect.

My Lord

Your Graces most humble
and most obedient Servant

Robt Johnson

His Grace the D. of Newcastle

B P.R.O. South Carolina B 2 vol 7

E Q 2

Charles Town 6 April 1733

To the Right Hon^ble The Lords for Trade

My Lords

I was very well pleased to consent with His Majestys Council and the Lower House of Assembly to the sending home Mr Yonge who will present this to your Lordships. and is to wait on you and inform you clearly of the reasons that induced us to pass the Bill for remission of the Arrears of Quit Rents which we are informed has undergone your Lordships censure

The objections sent home by Mr St John the Surveyor Gen^l I must acknowledge if they had been done might very justly have induced your Lordships to have reported for the repeal of it but the facts by him alledged (if the account of them I have, be as they are sent to me) are all false as Mr Yonge will be ordered to demonstrate to your Lordships. and as for the patents which by that Law are made valid tho before apprehended to be defective. I have taken care not to carry that part into execution until I should be informed of His Majestys pleasure about the Law so that no color or way whatever can His Majestys revenue or Interest suffer by it but on the contrary the time is now near elapsed that is given the people to record their Titles and I believe most have done so and many paid their Rents in proclamation Money so that the thing intended for His Majestys service by the said Law that is the perfecting a Rent Roll will be obtained

I shall not detain Your Lordships but leave it to Mr Yonge to acquaint that those people who have most complained against the Ingrossing Lands which they charged to be the consequence of making good the patents have chiefly

been

been induced to that complaint by a prospect of gain to themselves they being no sooner informed that the Act would probably be repealed but they combined themselves into a Company and ran out those very lands purchasing poor peoples Warrants for a trifle and are now gone to Solicit for Grants for them from His Majty as they give out and have by their Notarys and Lawyers threatened me very hard for refusing to give them Grants here I beg your Lordships will be pleased to allow Mr. Troup and Mr Yonge a candid and patient hearing on this affair as well as on any others they are or shall be directed to lay before your Lordships and that your Lordships will believe me to be with great respect

My Lords

Your Lordships most obedient

and most humble Servants

Robt Johnson

P. S I have pursuant to His Majestys Instructions published his orders for putting in force the Summons Law and to revoke the Act for regulating the Courts of Justice

Recd 28 June 1733
Read 28 Aug 1735

B.P.R.O. A & W.I. Vol. 19. p. 44.

Council Chamber ye 10th April 1733.

My Lord,

Since my former relating to Port Royal a sloop of Providence, but lately at the Havana arrived here, and being informed that the master had something material to Inform me of, I had him before his Majesty's Council, where being Examined he swore to the Affidavit enclosed which I do myself the Honour to send your Grace

I am with the greatest respect

my Lord

your Graces most Obedient

and most humble Servant

Robt Johnson

His Grace the Duke of Newcastle.

(Enclosure)

(Enclosure.)

The Depositions of Nathaniel Loverly Master of the Sloop Batchelor.

Deposeth,

That he was sent in the said Sloop from Providence to the Havanna some time in December last, with a Packet directed from Mr. Colebrook of Providence to Mr. Nicholson Factor there. That the said Nicholson informed this Deponent that Three Sixty Gunn Ships of War were then fitting out, in order to destroy the Fort at Port Royall in South Carolina and that there was then an Embargo lay'd on all shipps and vessells in that Harbour and that he himself was embargoed between 40 and 50 days on that account to prevent any Intelligence being given of the said intended Expedition.

The Ships were comanded by an Admiral the Ship he mounted was named the Bladen, One other Le Plume, the Third he knows not the Name of; there was at the said time at Mr. Nicholson's an Officer belonging to the said Shipps, who talked very good English, who likewise told him that the said Shipps designed on that Expedition, That it

was

was desired of him this Deponᵗ either by Nicholson, or the said Officer to inform them, whether the Fort at Port Royall was built on the South or North side of the River, and that this Deponant told them it was built on the North side.

That it was the Comon Report that the said ships came from La Vera Crus, with a Great Treasure of silver, and other Money on board. That the Captain of a Rhode Island Man told him that great part of the said Treasure was landed and that this Deponant told them that the Barrs at Port Royall was very dangerous, and believed that if Twenty of their Shipps came there none would go back again. That there was a Stopp put to the said Expedition, and the landed Treasure taken on board again, which this Deponant believes was occasioned by his saying the Fort was built on the North side of the River, and not on the South side. And that the said. And that the said Shipps did sail while he was there, one to Old Spain the other two to the Coast of Carraccas as he was informed, and that he believes the Shipp called Le Plume was that as said to Old Spain, as he was informed with the Money, she being reckoned as a very

very good saylor. And further this Deponent saith not

Nath. Coverley

Sworne before me
in the Council Chamber
10 April 1733.

Robert Wright C. Justice

a True copy of the originall
J. Badenhop. Cl Cou.

B. P. R. O. A. & W. I. Vol. 621.

Pall Mall April 14th 1733.

My Lord,

The very small employment which I used the freedom to Sollicit your Grace for in favor of Mr James Wedderburn a younger son of Sir Peter Halket Wedderburns formerly a Member of Parliament for the County of Fife, and a faithfull friend to the Protestant Succession as can be well attested by his Successor Sir John Anstruther, is clark of the Pleas in South Carolina, which allwise goes along with two small Patent places which Patent I bought of Mr Lowndes for said Mr James Wedderburn, viz Clark of the Crown and Clark of the Peace in South Carolina, the former being in the gift of the Crown makes me presume to trouble your Grace with this Sollicitation, it has no Sellary from the Crown only small Fees of Office not worth asking for if Mr Wedderburn were not possessed of the patent for the other two small offices, and as he is a gentleman of merit and capacity who had lately a great loss in trade by the failing of his correspondent in London, I humbly hope that I shall not be refused so small a favor for him, the Election

of

of that County being very much in his Fathers power who is my relation and a Sincere friend to Sir John Anstruther. I have the honour to be with the utmost respect

My Lord

Your Graces most humble & most obedient Servant

John Drummond

B.P.R.O. a.r. N.J. vol. 19. p. 46.

(24 April 1733)

My Lord,

In Obedience to your Lordship's Letter We have (Notwithstanding the Letter we had the honour to Write your Grace, of the 9th Dec. Last) found out an Expedient to serve my Lord Carteret, with relation to the Baronys he Claims. And that We hope with a due Regard to His Majesty's Interest Which however We may have been Misrepresented We beg leave to assure your Grace, have been far from being by us neglected. As what We have Writt my Lord Carteret on this head together with the Opinion of the Kings Attorney here, will best inform your Grace of our Proceedings, We shall not longer detain your Grace But refer to them, being

My Lord

Your Graces

Most Obedient & most Humble Servants

His Grace the Duke of Newcastle.

James Kinloch. Robert Johnson.
Robt. Wright Tho: Broughton.
Jnº Fenwicke. Ar: Middleton.
J. Hammerton. Fra: Yonge.

B. P. R. O. a + W. I. Vol. 19. p. 47.

(9 Dec. 1732.)

May it please your Grace,

We have considered the Letter Your Grace was pleased to send the Governor of y^e 30^th of April 1731, together with a Letter from my Lord Carteret, desiring he may have Eight Baronys of 12,000 Acres each, Granted him from the late Lords Proprietors, Admeasured + laid out to John Roberts Esq^r to whom his Lordp^p has Assigned them.

We have maturely considered your Graces said Letter, but think not Ourselves justified sufficiently for Laying out those Baronys to my L^d Carteret for the Reasons We have writ his Lordship. Unless your Grace will send Us a Warrant to justify our so doing. We have inclosed your Grace a Copy of our said Letter to my Lord Carteret, together with the Attorney Gen^ls Opinion, + hope your Grace will approve of Our apprehensions + Temerity in Disposing of such large Quantitys of the Kings Lands without proper Authoritys.

We shall therefore wait your Graces further Commands, + beg leave to assure your Grace That We shall on all Occasions be ready to Demonstrate

Our

Our Selves
South Carolina
Council Chamber
Dec^{r} 9th 1732.

My Lord
Your Graces
Most Obed^{t} &
Most humble Servts

Robt Wright.
Frans: Yonge.
James Kinloch
Jno Fenwick

Robert Johnson
Tho: Broughton.
Ar Middleton.
J. Hammerton.

To his Grace the D. of Newcastle One of His Majty^{s} Princ^{l} Secry^{s} of State &c

B.P.R.O. A.+W.I. vol. 19. p. 48.

My Lord,

We having taken into consideration your Lordps Letter of the 5th of June 1731. inclosing One from his Grace The Duke of Newcastle of ye 30th of April then last past together with a Memorial of Capt Gascoign Agent for John Robert Esqr of the 9th of Novr last (To whom your Lordp. says you have sold Eight Baronys) On these We have had the Opinion of his Majtys Attorney Genl here, which is enclosed to your Lordship.

We are humbly of Opinion, That it does not appear here that your Lordp has the Title to the Baronys or Particular Parcels of Land in this Province mentioned in your Lordps Letter, or any other Right than that of a Proprietor, which is particularly reserved to your Lordp by the Act of Parliament. As to any other reservations or Exceptions in the said act, We conceive your Lordp to be on the same Footing with other Grantees from the late Lords Proprietors. That if your Lordship has any Grants of Lands heretofore granted by them (Which We are far from Doubting) such Grants must be Registered here, or Authentick Copys of them,

even

even in that case, We apprehend They must attend the Fate of ye Quit rent Law now under the consider-ation of His Majesty Unless Your Lordp can obtain his Matys Order for admeasuring and ascertaining those Lands to your Lordp or your Assigns.

We are sensible We have agreed to ye Ascertaining two Baronys part of the Eight your Lordp has disposd of at his Grace the Dukee of New-castles Instance. But We cannot by any means advise the doing ye same again much less to put the Seals to those already laid out without His Majtys Warrant. It being a Material Objection to the Quitt rent Law (As we are informed) That it makes valid those Grants by Patent for Baronys. Wch otherwise would not be good or of any Consequence against his Majty according to Law. And there being many other Persons in your Lordps Situation with regard to Grants of Baronys to the amount of some thou-sand acres, We are assured they will all require the same to be done for them, As some have already applied for, to which We dare not agree, Until We see the Fate of ye Quit rent Law Or his Majty sends his positive Comands in relation to them.

We

We take notice That His Grace the Duke of Newcastles Letter seems not to be writ in the Stile an Order from the King, & therefore will not serve as a Warrant to justify Us in Ordering the Admeasuring or Taking up Lands as your Lordp desires. His Grace desires "the Govr will give all "due Encouragement to your Lordps Agents for taking "up any particular Baronys or divided parcels of "Land in Carolina, to wch you are entituled & "which are reserved to your Lordps by the late "Act of Parliament." The Lords Commrs for Trade & Plantations furnished the Govrs with the Opinion of the Attorney & Sollicitor Genl That all those Grants are void in Law, Because of the Uncertainty of them, Under which uncertainty We presume your Lordps. Grants Labour equally with the Others, Nor can it be known here, whether those Grants were made before ye year 1727. which they are directed to be if made valid by the afore mencond Act of Parliament.

It is with pleasure that We can inform your Lordps That We find your Quit rents paid without any reluctancy to his Majestys Receiver, tho' not Injoyned by the Law, wch We hope will be

be of great Ease and Service to you. To facilitate which We beg leave to assure your Lordp. We will at all times do what is in the Power of

My Lord

Your Lordps.

South Carolina
Council Chamber
Decr ye 9th 1732.

Most Obedt &
Most humble Servts

A true Copy
Jesse Badenhop Clk Cour.

To ye Rt Honble John Ld Carteret.

B.P.R.O. Ac-N.J. Vol. 19 p. 50.

(8 Dec. 1732.)

May it please your Exc^y

In Obedience to your Excy^s command I have perused the Memorial of John Gascoign Esq^r Attorney for and on behalfe of John Roberts of Deans Court in the County of Middx Esq^r of the Ninth of November last praying that your Exc^y would be pleased to give some Orders and Directions to his Majesty's Surveyr General to lay out and Ascertain Four Baronies each containing twelve thousand Acres of land in this Province to the said John Roberts who derives Title thereto from and Under the Right Hon^ble John Lord Carteret Proprietor of one eighth part of this Province. I have likewise perused a letter from his Grace the Duke of new castle One of his Majesty's Principal Secretarys of State to your Exc^y bearing date the 30th of April 1731 wherein His Grace desires your Exc^y will give all due Encouragement to my Lord Carteret's Agents for taking up any particular Baronies or divided parcels of land in Carolina to which his Lordship is Intitled and which are reserved to him by the late Act of Parliament relating to this Colony. I have also perused the said

said Act of Parliament and find therein the following Exception viz.t "Except all such Tracts of land Tene-ments and Hereditaments as have been at any time before the First day of January 1727 Granted or Con-veyed by or Comprised in any Grants Deeds Instruments or Conveyances Under the Common Seal of the said Lords Proprietors either in England or in the Province aforesd."

I also find a Saving in the said Act to my Lord Carteret of his right to one Eighth part of the said Province and all other rights and Titles as the said Lord Carteret then had or might have had or been Intitled Unto in case the said Act had not been made.

I have likewise perused Attested Copyes under the Seal of the Lord Mayor of London of certain Indea-tures of Lease and Release bearing date respectively the Fourth and Fifth dayes of June 1731 mentioned to be made between the said John Lord Carteret of the one part and the said John Roberts Esqr of the other, reciting that "Whereas the said John Lord Carteret four Baronies each containing Twelve "thousand Acres of Land English measure in what "part of the Province his Lordship or his Agents should

choose

'choose that was not then taken up(Except the Land
'called Yamassee Land) To hold the said four Baronies
'of twelve thousand Acres of land each (Except as
'therein is Excepted) to him the said John Lord
'Carteret his Heirs and Assignes for ever at and
'under the yearly rent of a pepper corn if legally
'demanded payable to the said Palatine and the
'rest of the said Proprietors their Heirs and Assigns.

From all which I beg leave to Observe to your Excy That my Lord Carteret and Consequently those claiming under him as to the said four Baronies is onely on the footing of the other Pattentees of the said late Lords Proprietors for that these four Baronies are not part of his Lordships Eighth part of the Province But are Conveyed to his Lordship by the said Proprietors as other lands were Conveyed by their Lordships to other persons. That by the Exception in the said Act herein before mentioned onely those Grants that were made by their Lordships the late Proprietors before the First of January 1727 are Excepted out of and saved from being vested in his Majesty by the said Act And altho' it is not to be doubted by my Lord Carteret has such Grants as are mentioned in the recital

recital of the said Deeds of Lease and Release nor but that the said Grants of the said four Baronies were made by their Lordships before the said first of January 1727. Yett as the said Grants or attested Copyes of them do not appear to your Excy but onely by the short Recital herein before mentioned in which Recital the time of passing the said Grants is not expressed I humbly Submitt it to your Excy whether your Excy can take any Notice of those Grants which do not appear or make any Order on the said Memorial in relation thereto.

I am your Excys most Obedt
Servt

A True Copy — C. Pinckney A: G:
Jesse Badenhop Sle bow — December 8th 1732.

B. P.R.O. South Carolina B.T. vol 5

D. 45

At the Council Chamber Whitehall 27th April 1733

By the Right Honble the Lords of the Committee of Council for plantation Affairs

His Majesty having been pleased by His order in Council of the 29th of last month to refer unto this Committee the humble petition of Robert Thorpe setting forth that he hath a right to Nine thousand Acres of Land in His Majesty's province of South Carolina by virtue of a Grant from the late Lords proprietors of that province, and that the said Lands have been surveyed and allotted to him by the Surveyor General there.- Yet in regard the said Survey hath been made without a Warrant from His Majestys Governor to Empower the said Surveyor to make the same, several doubts have arisen concerning the Legality thereof and in regard the said Governor hath refused to Grant Warrants for surveying Lands claimed under patents or Grants from the said late Lords proprietors without Knowing His Majestys pleasure concerning such Grants, notwithstanding the same are excepted in the Act of Parliament for confirming the Surrender of the said Late Lords proprietors Interest in that province to His Majesty The petitioner is apprehensive that he shall be disturbed in the possession of his said Lands And therefore humbly prays His Majesty will be pleased to direct the Governor of the said province not to molest him therein The Lords of the Committee this day took the said petition into their consideration and are hereby pleased to refer the same to the Lords Commissioners for Trade and plantations to state the facts that are alleged in the said petition and to examine whether the petitioners

Grant

Grant doth differ from other Grants of Lands made by the late Lords Propriet.rs and in case any difference shall appear to them then to report to this Commit.tee wherein such difference doth consist

Temple Hanyan

(Inclosure) To the Kings most Excellent Majesty

The humble petition of Robert Thorpe

Sheweth That the late Lords Proprietors of Carolina by Grant under their Common Seal bearing date the 25th day of October 1726 Did give and convey unto Isaac Lowndes his heirs and Assigns one Barony or Tract of Land to contain 12000 Acres subject to one penny sterling Quit Rent which Grant did likewise Authorize and require the Surveyor General of the provence of South Carolina immediately within 20 days after notice given thereof to allot and set out the said Tract or Barony of Land in any place within the said province of South Carolina

That the said Isaac Lowndes by Deed bearing date the 26th day of August 1729 for himself His Heirs and Assigns did declare and agree that his name was made use of in the said Grant from the Lords proprietors only as Trustee to and for the use and behoof of Thomas Lowndes of the City of Westminster Gentlemen his Heirs and Assigns and to and for no other purpose whatsoever

That the said Isaac Lowndes and Thomas Lowndes in consideration of the Sum of £450 of Lawful Money of Great Britain to the said Thomas Lowndes in hand paid by your petitioner and also in Consideration of

of five shillings of like Lawful Money of Great Britain to the said Isaac Lowndes well and truly paid by your petitioner did by deeds indented of bearing date the 10th day of September 1731 Grant bargain Sell and confirm unto your petitioner his Heirs and assigns a Tract of Land to contain 6000 Acres English Measure being part of the said Barony so granted as aforesaid to Isaac Lowndes in trust for the said Thomas Lowndes

That your petitioner having thus purchased the aforesaid Tract of 6000 Acres did apply to James St. John Esq. your Majestys Surveyor General of the province of South Carolina to allot and set out the said Barony so granted as aforesaid who readily performed the same that your petitioner did thereupon take possession of his part thereof

That Your petitioner nevertheless finding doubts arising concerning the Legality of such Survey it being made without a Warrant had from Your Majestys Govr. Impowering the Surveyor General soe to do and finding also the said Governor deny Granting Warrants to survey Lands claimed under Patents or Grants from the late Lords proprietors without his knowing Your Majestys pleasure concerning such Grants notwithstanding that in an Act passed in the second year of Your Majestys Reign Entitled an act for establishing an Agreement with several of the Lords proprietors of Carolina for the Surrender of their Title and Interest in that province to his Majesty there is an exception in these words except all such Tracts of Land, Tenements and Hereditaments as have been at any time before the first day of January 1727 Granted and Conveyed or comprized in any Grants Deeds Instruments or Conveyances under

the

the Common Seal of the said Lords proprietors either in England or in the province aforesaid

He therefore most humbly prays Yo.r Majesty that as he is seized of this said Tract of Land by a Title derived from the Late Lords proprietors long before the time of the Surrender of their Respective Interests to Your Majesty and that for the valuable consideration of £450 lawfull Money of Great Britain Your Majesty in order to prevent his being molested in the quiet possession of the same would be graciously pleased to direct your Governor of the said province that Your petitioner may not anywise be molested in his possession of the said lands conveyed to him as aforesaid before the surrender to Your Majesty and also expressly excepted by the aforesaid Act of parliament out of the said Surrender

And your petitioner as in duty bound shall ever pray

Rob.t Thorpe

Rec.d 4}
Read 8} May 1733

B.P.R.O. A. & W.I. Vol. 19. p. 52.

(No Date)

South Carolina

By His Excy Robert Johnson Esqr Capt. General Govr and Commander in Chief in and over His Majesties Province of So Carolina.

To James Lt John Esqr Surveyor General.

Whereas the Right Honble John Lord Carteret hath a Grant or Grants of four Baronies each containing Twelve thousand Acres of Land in this Province. And Whereas His Grace the Duke of Newcastle one of His Majesties Principal Secretarys of State by his Letter dated at Whitehall the 30th day of April Anno Dom. 1731. hath desired me to give all due encouragement to the Agents appointed by my Lord Carteret for taking up any particular Baronys or divided Tracts of Land in Carolina to which his Lordship is entitled and which are reserved to him by the late Act of Parliament relating to that Colony. You are therefore hereby directed and required to Admeasure or cause to be Admeasured and laid out to John Gascoigne Esqr Agent for John Roberts Esqr (who hath purchased the said four Baronys from the said Lord Carteret) four Baronys each containing

containing Twelve thousand acres of Land in this Pro-vince de bene Esse Observing His Majesties 42d and all other His Majties Royal Instructions relating to the laying out Lands and observing that the sd Lands be not Patent Lands or Land formerly Surveyed. Provided always that you do not make or Suffer to be made out any Certificate of the Platts of the said Land, but the same shall remain in your Office 'till mine & His Majties Honble Councils further Directions or orders therein and for your so doing this shall be your suf-ficient Warrant

Given under my hand

A True Copy
Jesse Badenhop Clerk Cou.

B.P.R.O. A. & W.I. Vol. 19. p. 53.

Charles Town the 4th May 1733.

My Lord,

I have now by Mr Yonge sent Your Grace an Act for preventing Litigious and troublesome Suits, against his Majestys Justices on account of the Habeas Corpus Act, and also a Copy of the said Habeas Corpus Act as in force here, and must leave it to Mr Yonge to State that matter to Your Grace, and to lay before yow the reasons that induced me to give my Assent to the said Act.

I thought there was the greatest necessity to put a stop to such Litigious proceedings as was threatened by some Lawyers, who had been Committed by the Lower House of Assembly for Contempts and Breach of Priviledge, and who had Industriously procured these Commitments in Order to raise Contributions from the Magistrates. I hope it will meet with His Majesty's Approbation, it being designed but as a Suspention of proceedings at Law on that Act, untill His Majesty's pleasure be known, and is therefore Submitted to Your Graces Consideration.

I am with great respect My Lord

Your Graces Most Obedient & most humble Servant

His Grace the D. of Newcastle. Robt Johnson.

B P R O. South Carolina B T Vol 6. 69.

Council Chamber the 6: May 1733

My Lords.

I have now by Mr Yonge sent Your Lordships an Act for preventing litigious, and troublesome Suits against His Majestys Justices on Account of the Habeas Corpus Act, And also a Copy of the said Habeas Corpus Act as in force here, and must leave it to Mr Yonge to state that Matter to Your Lordships, and to lay before you the Reasons that induced Me to give My Assent to the said Act.

I thought there was the greatest Necessity to put a Stop to such litigious Proceedings as was threatened by some Lawyers, who had been committed by the Lower House of Assembly for Contempts and breach of Priviledge and who has industriously procured those Comittments, in order to raise Contributions from the Magistrates

I hope it will meet with His Majesty's Approbation it being designed but as a Suspention of proceedings at Law on that Act, until his Majestys Pleasure be known, and is therefore submitted to Your Lordships Consideration

I am with great Respect

My

My Lords

Your Lordships most Obedient, and most humble Servant

Robt Johnson

Rt Honble The Lords for Trade &c:

Recd July 11: 1733

Read Janry 25: 1733/4

(Enclosure) E.10

Copy of the Habeas Corpus Act passed in Decr 1712. recd with Col Johnsons L: of 11 May 1733.

Recd July 11: 1733

Read Janry 25: 1733/4

B. P. R. O. South Carolina B. T. vol 5

D. 46

9 May 1733

My Lords

In obedience to your Lordships commands of the 11th Instant directing me to lay a State of a Transaction relating to 6000 Acres of Land sold by me to Mr. Thorpe I most humbly beg leave to acquaint your Lordships that about Eighteen months ago I sold to that gentleman & Mr. De La Fontaine One Barony in South Carolina to contain twelve thousand Acres of Land viz. 6000 to Mr. Thorpe and Three to Mr. De La Fontaine for which they paid me the money contracted for The Words in the Conveyances were these Land not yet admeasured taken up or run out in the Province of South Carolina A little while after the Writings were perfected Mr. Thorpe went to South Carolina and there finding that an Agent for me had by my direction (many months before my Agreement with him) run out a Barony upon Port Royal River Mr. Thorpe liking the situation applied to him, and falsely answered that the Barony so run out was the identical Barony he and Mr. De La Fontaine had bought of me By which means (and a present as I am informed) he prevailed upon my Agent not to return unto the Surveyors Office the Field Survey he had made. Mr. Thorpe also got Mr. St. John his Majesties Surveyor General to survey the same Tract for him and to return and certify the plan As soon as I was informed of this proceeding I wrote to Mr. De la Fontaine about it, who I always found ready to make me any reasonable satisfaction so far as he was concerned

and

and only deferred it till Mr Thorpe returned Upon his arrival I expostulated Civilly with him and let him know the Injury he had done me I having a Grant for 12000 Acres which must now be taken up in a more remote part of the Country I found him not inclined to do me any sort of Justice but instead of that affirmed many aboud untruths Upon the coming over lately of some persons of Credit from South Carolina Mr Thorpe believing that I should by them disprove what he had advanced made application to the Lords of His Majestys privy Council to procure an order under the sanction of which he hoped (as I humbly presume) to keep in possession of the land he had unfairly entered upon and baffle any Remedy at Law I might endeavour to get.

Tho this is the true state of the Case yet I endeavored for peace Sake to leave the matter in dispute to Arbitration as the inclosed Copy of an extract of my letter to Mr De La Fontaine will shew your Lordships

If your Lordships write to Mr De La Fontaine to lay before Your Lordps a Copy of such part of Mr Thorpes first Letter from Carolina as relates to the running out of the Barony (which I am sure he is too fair a man to refuse doing he having formerly communicated it to me) Your Lordships will clearly see how uncandidly Mr Thorpe has dealt with me I am very much concerned that Mr Thorpe's Conduct should occasion my giving your Lordships this Trouble. I am with the greatest respect My Lords

Your Lordships most obedient and most humble Servant

9th May 1733 Thos Lowndes

(Inclosure)

Copy of an Extract of a Letter to Mr de la Fontaine dated 13th March 1732/3

Sir

I have seen Mr Thorpe who neither talks reasonably nor truly pray keep his first Letter for that, with what other tackle I have will clearly do my business I am sorry I cant do myself Justice with him without affecting you, who are really the reverse to what I find him to be What he says about Young Wrights having got the Barony if he had not had it I can easily prove to be otherwise I dare refer the whole to Mr Missing or to your own Conscience but right and justice I must have

(Signed) Thos Lowndes

(Inclosure) Several particulars wherein Mess[rs] Thorpes and De la Fontaines Grant purchased from Thomas Lowndes differ from other Grants of Land made by the late Lords proprietors

There was no Non-User in any respect incurred upon this Grant. There is a Warrant in the Body of those Grants that were Lowndes to the Surveyor General to run out the Land by a time therein limited. so that Thorpe had no occasion to apply to the Governor for his Warrant Lowndes Grants were likewise given in by Name in writing to the Lords of his Mts Majestys most honorable privy Council at the time of the Treaty for purchasing Carolina that they might most evidently be known not to be within the Intention of the Crowns purchase. The Grant purchased by Thorpe is more advantageous than the Reciprocal Grants of the late Lords propriet[rs] to themselves except in respect to the descent of Election which as Lowndes as been informed is peculiar to such Reciprocal Grants. The Words in

Mr

Mr Thorpes Grant amount to a Warrant which form was not used in the Common Grants and the Crown with respect to the purchase of Carolina (it is humbly presumed) stands in the place of the late Lords proprietors

The Condition upon Non performanch of which Lowndes Grant sold to Thorpe was to be void was punctually observed Vizt. It was enrolled in the Court of Common pleas within the time limited by the Grant As the Inrolment mails appear.

N. B Lowndes Grant sold to Thorpe is entered in the plantation Office and so is the purchase Deed.

B. P. R. O. South Carolina (B.T.) Vol. 26. p. 62.

Whitehall,
May 11th 1733.

To Tho. Lowndes, Esq.

Sr

A Petition from Mr Thorpe being referr'd to y^e Consideration of my Lords Commissioners for Trade & Plantations desiring a Confirmation of a Grant of 9000 Acres of Land in South Carolina which he claimes under a Purchase from Yo^r Self; Their Lord^ps command me to desire you will let them have a State of this Affair Tuesday Sennight, at 11 a Clock in y^e Morning, as likewise that you will let them know wheth^r y^e Peti^rs Grant does differ from other Grants of Land made by y^e late Lords Proprietors. I am,

Sr.

Yo^r humble Serv^t
Alured Popple.

B P R O South Carolina B. T. vol 4

E 63

Charles Town 12 May 1733

May it please your Lordships

About twelve months ago I had the honor to receive at Mr Brudenells request a recommendatory Letter from your Lordships to Governor Johnson which I presented him on my arrival together with a very particular one from His Grace the Duke of Newcastle in my favor and tho these honors done me never influenced Mr Johnson to do me the least good Office but rather the contrary yet my gratitude shall ever be the same. as if I had reaped all the advantages his Grace and your Lordships designed me.

Some short time before Mr Whitakers departure for England I was deputed and sworn by him Judge of the Vice Admiralty of this province and as I have the honor to serve His Majesty I think my duty obliged me to take Notice of every thing that is done to the prejudice of the King my Masters prerogative and Interest (tho these things may not come immediately before me as a Judicial Officer) and to represent the same to His Ministers at home in as clear a manner as my capacity will permit me.

The reason therefore of my now troubling your Lordships is upon an account of several strange Resolves and Ordinances of the Upper and Lower Houses of Assembly published in our Gazettes which are inclosed and a Law in Consequence and support of the same w^ch was ratified by the Gov^r the 14^th Inst. of which I likewise send your Lordships a copy

To set the matter in a clear light before your Lordships I must beg leave to go back to the Fountain and first occasion of their votes and

Inquirys

Inquirys. and trace the Gentlemen concerned through every meander till they arrived at the Ratification of their indemnifying Law. which otherwise I presume would be perfectly intelligible

His Excellency our Governor and a few other Gentlemen under color of patents or Grants from the late Lords proprietors and otherwise. having possessed themselves of prodigious large Tracts of Land and thereby in a manner defeated His Majestys Intentions (contained in his Royal Instructions) of peopling this Country and making it a flourishing Colony. The people that wanted Lands whereon to settle themselves murmured. were greatly uneasy and could not help enquiring into the validity of the patents and Titles. which stood between them and the Royal Bounty In the course of their Inquiry they met with Information that the patent Titles had been declared void by the Attorney and Solicitor General at home. that the poor people on the Southernmost Frontier who had been obliged to quit their Lands and fly from the Fury of the Barbarous Indians were prevented from returning by reason of those patents and other Grants wherewith their former Settlements had been covered before the Land Office was publicly opened

Want of Lands for themselves. and charity for the distressed led some Spirited Gentlemen to endeavor to break those large Tracts. and by Vertue of Titles under His Majestys most gracious Instructions to lay out and survey some of those Lands. which are here called patent Lands with intent to try the validity of the patentees Titles and in case of success to settle themselves and the Southern unfortunates upon part of those Tracts which otherwise must inevitably lye unsettled and uncultivated or be purchased

at

at a very dear Rate from the patentees

Amongst the rest Doctor Thomas Cooper went up with the Dep.t Surveyor to view and lay out the Land upon this the patentees instead of offering to try their Titles in the Kings Court where the matter was only and properly cognizable applyed to the Commons House of Assembly who ordered him into Custody of their Messenger and kept him close prisoner for about five weeks the Warrant for his committment being new and unprecedented I have sent your Lordships a true copy thereof

The Doctor soon after he was apprehended applied to two Justices for an Habeas Corpus which by an act of Assembly of this province made to enforce the Execution of the English Habeas Corpus Act there they are empowered and required to grant or issue M.r Somerville who is of the Quorum and M.r Wright Jun.r granted his prayer and an Habeas Corpus signed by them was delivered to the Messenger that had Doctor Cooper in Custody. The Messenger refused to obey the Kings Writ and the house resolved to indemnify him

A second Writ was desired of some of the Members of the Lower House and were in the Commission of the peace and denied but afterwards granted by M.r Middleton one of His Majestys Council and M.r Somerville which the Messenger likewise disobeyed as also a third Signd and issued by Robert Wright Esq his Majestys Chief Justice

Upon this the Doctor jointly with others in Custody petitioned his Excellency and Council for relief and the Doctor singly prayed his Excellency to issue an Habeas Corpus which the Act of this country

empowered

impowerd and required him and others under severe penalties to grant when applied for. The Sate of their petition to the Governor and Council your Lordships will find in their printed Resolutions thereon and two considerable Merchants who waited on his Excellency with the Doctors prayer to him for an Habeas Corpus to be bailed were ordered into Custody of the Provost Marshall and obliged to ask pardon for so doing and pay Fees before they could be enlarged as were two others for carrying a petition to Mr. Yonge (one of His Majestys Council) upon the same occasion

Several Merchants and Lawyers were committed by the Lower House for carrying petitions to some of their Members who were Justices of the peace which upon mature and serious deliberation those Gentlemen that carried them were persuaded they had a Right to do by the laws of their Mother Country made to secure the Liberty of the subject The Fees demanded and taken by the Officers of that House were most exorbitant To their Messenger only, Four pounds this currency for being committed the like sum on being discharged and the same sum p diem while in custody besides dut and other expenses

The Commons on the 7th of April last to intimidate the Chief Justice and others posted their Ordinances at the door of or entrance into the Council Chamber the Chief Justice complained of it in Council and in a speech there (which he afterwards published) censured their proceedings as destructive of the Kings prerogative and the peoples Liberties Mr. Yonge who had been greatly obliged by the Commons became their advocate and by cases which when searched to the Bottom made all against him

endeavored

endeavored to persuade his Excellency the Council and people that all the Lower House had done was right and justifiable. And by a Resolution of the Upper House his Speech made upon that occasion was declared to be agreeable to the sense and opinion of that House

The Commons sadly enraged at the opposition they met with from the Chief Justice on the 14th of April went up in a Body with an accusation against the Chief Justice which they have since printed and upon which I must beg leave to make a few remarks

Your Lordships will be pleased to remark, that the Chief Justice is charged with violating their privileges by granting two Writs against their Messenger and by signing a Rule of Court to the Provost Marshal when they well knew that the Chief Justice of this province always entrusts the Attorneys with Blank writs, who fill them up as they want them without his knowledge and that by a Rule of Court of a very long standing, and confirmed by a late Act of Assembly the Marshall is obliged to return all Writs served in Town in two days after service and the plaintiffs at liberty to proceed to Judgement before the return of the Writs. so that this Rule complained of, being only to be informed whether the Writ was served or not, could not be contrary to Law or or the known practice of the Court of Common Pleas here but was in my opinion agreeable to both

I would show your Lordship's that those very Writs were legally and regularly issued, and that their Messenger when the same were issued had no Right to either privilege or protection. but that would

be

be taking up too much of your Lordships precious time

All the Lawyers in the Province (except the present Attorney Gen[l] who is a Native and M[r] Rutledge His Exc[y]. prime Minister) and a number of Wealthy Merchants here seem to apprehend that by the Ordinances of the two Houses they are put out of the Kings protection and their Fortunes and Liberty entirely at the Mercy of the Lower House who threaten us with an Act to continue themselves for a longer time than by Law they at present are capable of sitting and were it not in humble expectation of His Majestys interposing his Royal Authority would remove themselves and their Effects to some more safe and happy part of His Majestys dominions

The Law to indemnify themselves and their Officers against the penalties they have incurred is a plain confession of Guilt repugnant to the Fundamental Laws of Great Britain and expressly contrary to two if not three of His Majestys Instructions to our Governor surely they cannot pretend to say that it is a Bill on an usual or ordinary nature or that it is impossible that his Majestys prerogative or the properties of His Subjects can be affected thereby. If not a draft thereof ought we apprehend to have been transmitted to His Majesty for His Royal Approbation or disallowance before the passing thereof or at least a saving Clause inserted therein suspending and deferring the Execution thereof till His Majestys pleasure should be known concerning the same. This Law was a Creature of Rutledges brain and first brought into the Upper House the Chief Justice

ever

ever opposed its passing and hath entered his protest against it. which hath increased the Resentment of the Commons against him and occasioned the Resolves printed in last Saturdays paper. where it will end God only knows

Doctor Cooper was chosen a Member of the House during his confinement. I requested to be tried and discharged in vain till on the 27th. of April By a petition of which I send your Lordships a copy he was ordered to be discharged paying the Fees which amounted to a considerable sum and thereby and by the loss of time, besides a long and close confinement, he is by a moderate computation £1000 this Currency the worse for his commitment

The Gentlemen in power here. both by their Speeches and Actions seem to have entirely forgot that they are Subjects or dependants the Commons House of Assembly look upon themselves as the Supreme Court of Judicature. and nobody here. that has the power. offered to dissent to their Jurisdicon. their Interests are one and the same. which is the occasion of the perfect harmony and good understanding between them

It is now become dangerous for a Kings Officer or Minister to appear Zealous for the prerogative or Interest of his Master. The Land Surveyor General and Chief Justice have sufficiently experienced it. the former I am certain will be a looser this year by his Office. and the latter by a Negative Vote of the Commons is to have nothing for his last years service The laws of our Mother Country are set at nought and termed Old Ballads The Kings Offices ransacked and his Officers insulted. ridiculed and affronted. and their friends at home spoken of with scorn and contempt The wealthy merchants and principal Inhabitants are at the Mercy

of

of a few who Lord it over them as if they were their vassals

Such is the present State of His Majestys province of South Carolina. If my zeal for the prerogative of the Crown the Interest of my master. and the liberties of my fellow subjects which seem to me to be trampled upon. hath carried me into any unbecoming warmth I trust your Lordships will think the cause. some excuse for it. And me for the trouble given you by

My Lords

Your Lordships most obedient

and most humble Servant

Will Irwin

Recd. 23 October 1735
Read 20 August 1735

B P R O South Carolina B D Vol 5

Q 49 At the Council Chamber Whitehall 22 May 1733

By the Right Honorable the Lords of the Committee for plantation Affairs.

His Majesty having been pleased by His Order in Council of the 10th of this Inst to refer unto this Committee the Humble petition of Charles Purry Attorney for Colonel John peter Purry praying that his Majesty will be graciously pleased to authorize the Governor of South Carolina to grant to the said Colonel Purry such a part of the 48000 Acres of Land allowed to him upon importing Six hundred Swiss into that Province, as shall be in proportion to the Number of Swiss already imported and as shall be hereafter from time to time imported thither. The Lords of the Committee this day took the same into their consideration and are hereby pleased to refer the said petition (a Copy whereof is hereunto annexed) to the Lords Commissioners for Trade and plantations to consider the same and Report their opinion thereupon to this Committee

W. Carey

(Inclosure)

(Inclosure)

To the Kings most Excellent Majesty

The humble petition of Charles Purry Attorney for Colonel John Peter Purry

Sheweth That Colonel Purry in the Year 1730 went to South Carolina and finding upon the Shore of Savana River a Commodious place for a Township marked it and undertook to people it with Six hundred Swiss protestants.

That afterwards the said Colonel Purry by Vertue of Her Majestys Instructions when Guardian of the Realm. Bearing date the 22d day of July 1732 became entitled to Forty eight thousand Acres of Land as a Reward after the Importation of Six hundred Swiss into the said province

That since the date of the aforesaid Instruction Colonel Purry embarked himself with one hundred and fifty Swiss for Carolina where he is now settled on part of the said Township so marked by himself as aforesaid

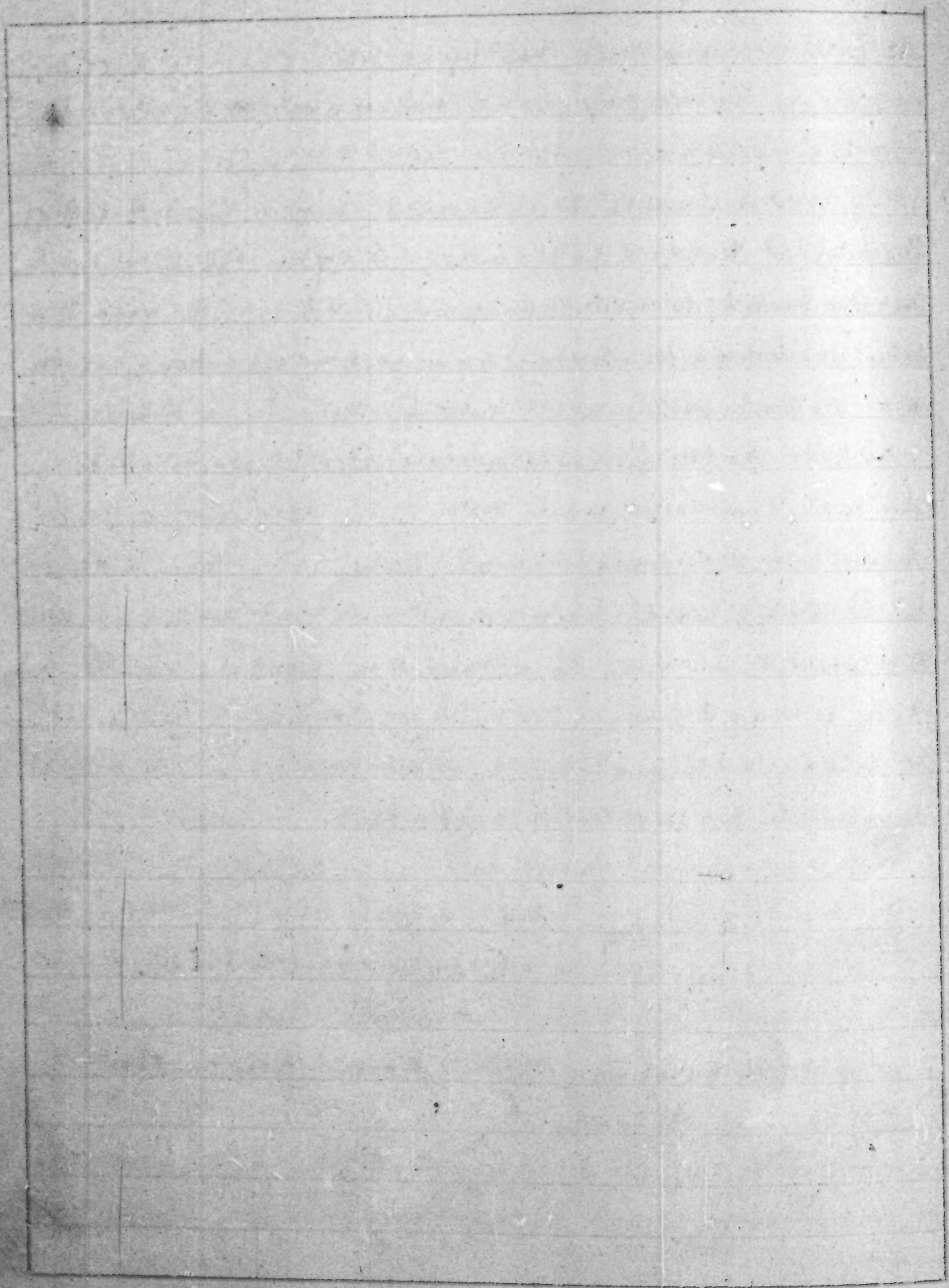
That Colonel Purry nevertheless being apprehensive lest the remaining part of the Land annexed to the said Township be taken up before he can entitle himself to the Grant so intended him by Her Majestys said Instructions and thereby persons who have in no manner contributed to the peopling of the said Township reap the Benefit of his Charges and Labour and himself rendered Incapable of perfecting the said Settlement.

Your petitioner therefore most humbly prays that in regard to the great Charge Colonel Purry has been at and to the Zeal he has shewn for Your Majestys Service in carrying on the said settlement and also

also for the encouragement of his friends to enable him to perfect his said undertaking Your Majesty would be graciously pleased to Authorize Your Governor of the Aforesaid province to make a Grant of part of the Aforesaid 48000 Acres to the said Colonel Purry in the Land annexed to the said Township in proportion to the number of Swiss already Imported and that the Governor for the Time being be enabled for the future to do the same in proportion to the number of Swiss from time to time Imported until the same shall amount to Six hundred

And Your Petitioner as in duty Bound shall ever pray

Rec^{d} 17 June 1733
Read 17 June 1733



B.P.R.O. A & W.I. Vol. 19. p. 54.

Whitehall May 22d 1733.

Sir,

This will be delivered to you by Mr John Frederick Holzendorf whom I take the liberty to recommend to your protection. He is of a good family in Brandenbourg, and goes to Carolina with an Intention to settle at the new Town of Purrysbourg. What he particularly desires, is a Commission in the Militia there, and that, as he carrys over with him two Servants who are labouring Men, and Necessarys and Implements for cultivating a new Settlement, he may be allowed a proportionable Quantity of Land, near that Town, In which you will be pleased to gratify him as far as shall appear to you to be just & reasonable.

I am

Sir

Your most Obedient

humble Servt

Holles Newcastle.

Govr of South Carolina

B R R O South Carolina B T vol 5

D. 47

York Buildings 31 May 1733

To the R. Hon the Lords Comm^rs
for Trade and plantations

My Lords

In obedience to your Lordships commands. I have taken the liberty to lay before you A General view of such Matters as relate to the patents granted by the late Lords proprietors of Carolina. which have fallen within the compass of my observation.

As it was your Lordships direction I have endeavored to shew in what particulars the several sorts of patents, materially differ from each other. And as I found this could not be effectually done without entering into an Examination of all the circumstances that have attended them I have attempted to give your Lordships a detail of all the Matters that have any relation to the patents.

If in this attempt there should be found anything satisfactory to your Lordships I shall think myself very fortunate. because I beg leave to assure your Lordships that I am with the greatest attention

My Lords
Your Lordships Most Obedient
and Most humble Servant
Benj^a Whitaker

(Inclosure)

(Inclosure) A brew of the patents granted by the late Lords proprietors of So. Carolina humbly submitted to the consideration of the R.t Hon.ble the Lords Comm.rs for Trade and plantations

The late Lords proprietors of Carolina had various ways of granting Lands and made use of different Conveyances for that purpose. They were generally distinguished into patents and Grants. By patents was meant those Letters patents which created their Nobility the Landgraves & Cassiques and which annexed a large Tract of Land to the dignity, afterwards the word patent was applyed to any Conveyance or Grant for a very large Tract of Land. By Grants that sort of deed is generally understood by which the private Inhabitants or planters had Lands conveyed to them

As the patents only are the subject of the following Observations for distinctions sake they may be ranked under under these Denominations Viz.t Ancient. Modern and Reciprocal patents. Ancient patents are those Letters patent which were heretofore granted to the Nobility of Carolina the Landgraves and Cassiques. Modern patents are those Conveyances which were granted by the late Lords proprietors to private persons with particular Clauses and Conditions before the Year 1727. Reciprocal patents are those Grants which the Lords proprietors made to one another of divers Baronys or Large tracts of Land to be held in severalty. All which Tracts of Land are now vested in the Crown by the late Surrender. Except those belonging to the Lord Carteret and therefore these patents may now more properly be called the Lord Carterets patents. The first of these sort of patents which are to be considered are those heretofore granted to the Landgraves and Cassiques.

The

The late Lords proprietors by the Royal Charter were impowered to give unto such Inhabitants of the province as they should think did or should merit the same such Marks of Favor & such Titles of Honour as they should think fit. so as their Titles or Honors. should not be the same as were enjoyed by or confirmed upon any of the subjects of the Kingdom of England

The late Lords proprietors soon after they obtained their Charter Established certain Fundamental Constitutions under their Hands and Seals bearing date the 5th day of March 1669 and amongst other things did establish and provide Vizt:- Const 9. There shall be just as many Landgraves as there are Counties and twice as many Cassiques and no more these shall be the Hereditary Nobility of the province. and by right of their dignity be Members of Parliament each Landgrave shall have four Baronys hereditarily and unalterably settled upon the Dignity Const 11. Any Landgrave or Cassique before the Year 1701 shall have power to alienate sell or make over to any person his Dignity with the Barony thereunto belonging All entirely together. but after the Year 1701 no Landgrave or Cassique shall have power to alienate. sell or make over or let the Hereditary Baronys of his Dignity or any part thereof otherwise than as in ff 18 but they shall in entirely together with the Dignity thereunto belonging descend unto the Heirs male and for wants of Heirs Male all entirely and undivided unto the next Heir genl and for want of such Heirs shall devolve into the Hands of the Lords proprietors. Const 18. The Lords of Seigniory and Barony shall have power only of Granting Estates not exceeding three Lives or Thirty one years in two thirds of the said Seigniorys or Baronys and the

remaing

remaining thirs shall be always demesne.

The Lords proprietors in pursuance of the powers granted them by their Charters but without regard had to the Number of Landgraves & Cassiques limited by the above Constitutions for a consideration in Money and very often endorsed on the Back of the Letters patent. by their Letters patents created a considerable Number of persons. Landgraves and Cassiques with 48 thousand Acres of land to each Landgrave and 24000 Acres to each Cassique. The form of the Letters patent granted to the Landgraves and Cassiques are the same (mutatis mutandis) and are to the following purpose Vizt. A.B. Landgravium tenore presentium Erigimus Vr. cum quadraginta octo Mille jugeris terræ aliisq; Privilegiis eidem dignitati pertinentibus Habend & tenend. Statem Gradum Vr. Landgravii una cum prædictis terris præfato A B & hæredibus suis secundem tenorem fundamentalium Constitutionum nostrarum in perpetuum.

When the Lords proprietors had granted the above Letters patent they established certain Rules directing and appointing the Method how such Lands should be admeasured and ascertained to the patentees these Rules were contained in their Instructions to their Governors. Secretarys and Surveyors General.

The Rules given in Charge to their Governors are as follows Vizt. "any "Landgrave or Cassique making it appear to you that he is so either by "producing his patent or being signified to you by us that we have created "him so and having subscribed the Book for that purpose provided to "bear faith and true allegiance to our Sovereign Lord the King Vr. to be

true

"true and faithful to the Lords Prop.rs you are then to issue out your orders to the "Surveyor Gen.l to admeasure out unto him as many of the squares for Baronys in "the County as of right belong to him and he is willing to take up provided that "each Barony be in one entire piece and that in no one County there be above four "Baronys set out to the Landgraves."

Instructions to their Secretarys

"Your are in a Book for that use provided exactly to Register all Warrants "issued out to the Surveyor General for admeasuring out Lands to any person and "the Surveyor Gen.ls Return you are to enter against the said Warrant and in "the Warrant to the Surveyor Gen.l you are to insert the Names of such persons "to whom the said Land is granted. Copies of which you are to send us daily "That we may see how the Land is disposed of. When any patents under our "Hands and the Great Seal of our province are produced to you, you are to "prepare Conveyances for the Lands therein mentioned pursuant to the tenor "of our Original patents for the same"

Instructions to their Surveyor General (wanting)

There are very few of the patents granted to the Landgraves & Cassiques but what are of an Ancient Date (have laid dormant for many years) and were not made use of till the Year 1720 or near that time. The greater part of the patentees to whom such patents were granted died before the Year 1720 and before any Lands were taken up or ascertained by Virtue of such patents The Lands that have been taken up by y.e Heirs of the original patentees have been taken up in several Tracts chosen out of the most valuable Lands, in different parts of the province. without any Warrant

from

from any Govern.t or other legal authority and never have been regularly returnd or recorded in any proper Office to which the subject could have access

The deeds which have obtained the Name of Modern patents are those Conveyances whereby the Lords proprietors granted Baronys or large Tracts of Lands to private persons on certain conditions mentioned in the respective deeds Viz.t There is a general Grant of a certain Tract of Land to be taken up in any part of Carolina. The grant is to be enrolled within Two years after date. there is a special direction in the body of the deed to the Surveyor General of Carolina requiring him within Twenty days after notice to cause the land granted to be laid out and admeasured

This direction in the body of the Deed has been esteemed after enrolment in So: Carolina of equal authority with the Governors Warrant As most if not all the patents of this Sort were issued whilst the Government of So: Carolina was provisionally in his Majestys hands. It is probable that this Clause might be introduced at this time to supply the want of the Governors Warrant which (tis presumed) could not be then obtained because the execution of the Government by the proprietors was suspended and the Kings Governor had no authority or Instructions to dispose of or any ways to intermeddle with the propriet.rs lands

The only patents of this kind that have ever come to my knowledge are four or five granted in trust to several persons for the use of M.r Thomas Sounders.

The Reciprocal Grants are those Grants which the late Lords-proprietors made to one another of divers Baronys or large Tracts of Lands to be held in Severalty. Seven of the Lords proprietors surrendered their Rights to these Baronys or Tracts of Lands held in Severalty as well as their whole right to the propriety of the province Therefore the only reciprocal patents which are

now

now subsisting his humbly apprehended are the Lord Carterets As his Lord[p] whole right is saved by the late Act of parliament. The Grants to the Lord Carteret are of a certain large Quantity of Land to be taken in such part of Carolina as his Lordship or his Agents shall choose

There is one Barony belonging to Ell[t] peter Colleton and another to Ell[t] Wight which as they are particularly mentioned in the late Act of parliament they need not be taken notice of here. from the Facts as above stated may be shewn the differences between the several sorts of patents that have been granted by the Lords proprietors. It has been observed that patents of Landgraves and Cassiques are all of the same tenor and effect

His Majestys Attorney and Solicitor Gen[l] by their Report to the Right Honorable the Lords Comm[rs] of Trade and plantations of the 28[th] of July 1730. On consideration of the patent whereby the said proprietors did grant to S[r] Nathaniel Johnson the honor and dignity of Cassique cum duabus Baroniis quar cum Singula continuat duodecim Mille acras terræ were of opinion that in regard the place wherein the said lands lay is not described nor any method provided by which the same might be ascertained. such Grants of the two Baronys by reason of the uncertainty thereof were absolutely void in Law. It has also been conceived that althe the aforesaid Ancient patents were not void for uncertainty. and althe it might be thought that the Rules established by the Lords proprietors. provided a proper and sufficient Method for ascertaining the Lands intended to be granted. yet those patents could convey no more than a bare possibility or a power to make election of so much Land as was intended to be granted. and that such Election not being

being made in the Life time of the first patentees. nor they ever actually seized of any land by virtue of such patents Nothing could descend to their Heirs and further that the person claiming under color of such patents could have no Equity to support their pretensions. because all those under whom they claim have let these patents lay dormant for thirty or forty years without ever putting them in Execution and thereby deprived the Lords proprietors from the Benefit which would have accrued to them from the Rents that would have become due for such Land. if they had been taken up by particular Grants

The Modern patents granted in trust for Mr. Lowndes and the Reciprocal patents to My Lord Carteret are liable to none of the above Objections made to the Ancient patents. because by the patents granted to Mr. Lowndes there is a method provided by which the Land may be ascertained Viz. the Surveyor General of the province of South Carolina is authorized and required within twenty days after Notice given to allot and set out the Tract of Land granted in any place in the said province

The Clauses in My Lord Carterets patents are that the land granted shall be taken up in such part of the province as his Lordship or his Agents shall choose by which Clause it has been conceived that his Lordship by Virtue of such Clause may fix and determine his Election by a Survey made by the proper officer according to the Rules and Customs of the province established as aforesaid. There is another distinction also which is common to the patents of the Lord Carteret and Mr. Lowndes Viz. that the first Grantees are in Esse consequently may make their Election during their Lives. Mr. Lowndes his patents have also this

Equity

Equity that they were enrolled in the Court of Common pleas at Westminster and entered in the Office of the Lords Comm^rs for Trade and plantations which (althe the cases of Notice do not extend to the King) may be looked upon as a favourable circumstance However these patents have differed in other particulars it has always been esteemed absolutely requisite that the Lands claimed under them should be admeasured and ascertained by a legal and regular Survey according to the Rules and Methods herein before mentioned Viz^t That the Survey should be made by Vertue of a Warrant from the Governor for the time being directed to the Surveyor General or by a Clause in the Deed containing an Equivalent direction and that such patent should be enrolled in So Carolina that the Surveyor General there might have Notice That a Registry of this Warrant should be kept to denote under what patent it issued That the Return of the Surveyor General entered on Record and that the Land should be ascertained by a particular Grant to the end that the Lords proprietors might know how their Lands were disposed of and that the Grantees might be properly charged with the Rent reserved and that the proprietors Officers might distrain & revoke in case of the Rent being in Arrear These Rules thus established by the Lords proprietors seem to have arose from the Nature and Necessity of things and that the Land could not so effectually be ascertained by any other means That this has been the proper and accustomed Method is acknowledged by the Resolutions of the present Governor and Council published at the opening of the Land Office in the month of November 1731 The Resolutions are in these Words

Resolved That all Surveys made of his Majestys Land in this Province without

without a Warrant from his Excellency and a deputation from Jas S.t John Esq His Majestys Surveyor Gen.l be void Reserving such as may be made valid by the Act made in the province for the Remission of the Arrears of Quit Rent passed 20th day of August last That his Excellency the Governor will Grant Warrants of Survey to persons claiming under patents provided the patentees or their Attornys do first give an Account on Oath what Lands have been already run out or disposed of by Vertue of such patents and that no patent shall be given for such Lands until His Majestys pleasure shall be known concerning the Act passed in this province concerning the Remission of the Arrears of Rent Notwithstanding these plain & Express Rules vast Quantities of Land have been surveyed by private persons without any Warrant from the Governor for the time being. without the return from the Surveyor General ever being entered or recorded in any public office without any Grant issued to ascertain the particular Quantity of Land taken up and many of these Surveys have been made by the connivance of the late Surveyor General and deputy Surveyor General under the late proprietors as well before as after His Majestys purchase, when their Authority was either suspended or actually determined and the surveys so made are now pretended to be made valid by the Quit Rent Act which confirms all Lands surveyed to the patentees or their Heirs Assigns Attorneys or agents provided they have been meted out by survey of a sworn Surveyor or Surveyors as part of any such patent Lands or Certified or returned in the Office of the Surveyor General by a Sworn Surveyor or Surveyors thereto appointed. By which disjunctive Clause the patentees have absolved themselves from

the

the Necessity of certifying or returning the Survey into the Office of the Surveyor General and think themselves sufficiently secured if the land has been surveyed by a person who was once a sworn Surveyor under some authority derived from the late Lords proprietors tho such Authority was actually determined and they have imagined that this practice is favored by another Clause In the Quit Rent Act which enacts that the Surveyor General and his Deputy who had been appointed by the late Lords proprietors or by vertue of any power or Authority derived from were, should be and are thereby deemed and declared to be lawful Surveyors and so should be and continue until such time as others were or should be appointed by His Majesty and for and until such Time as the Surveyor or Surveyors so appointed or to be appointed by His Majesty should take on him or them the Execution of their said Office Which Clause was purposely calculated and introduced into the said Act to confirm the Surveys of above Eighty thousand Acres of land which had been taken up under patents by the Connivance of the Surveyor General and the Deputy Surveyor Genl. of the late Lords proprietors (An account whereof is ready to be produced) great part of which Lands were surveyed since his Majestys purchase and even since the arrival of Governor Johnson in So. Carolina & by color of the last mentioned Clause and another Clause in the same Act which allows the patentees to take up lands for two years after the arrival of His Majestys Surveyor General the said practices have been continued since. to the arrival of His Majestys present Surveyor General and even to this day the choicest Lands have been selected and picked out by the patentees before any Warrants were issued for

other

other persons and before any of His Majestys Subjects had an opportunity to take up such lands under His Majesty

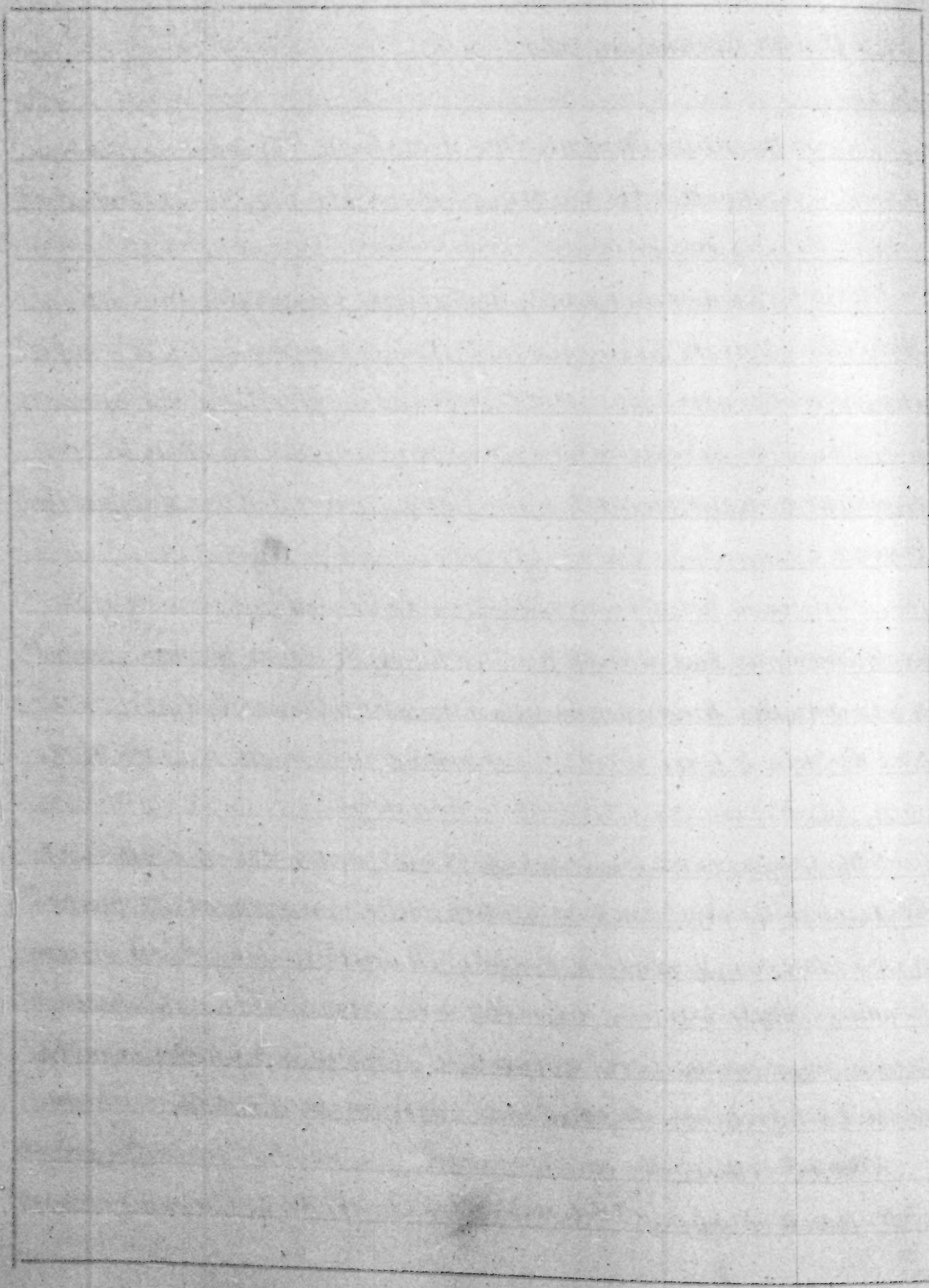
From these irregular Surveys his humbly apprehended many inconveniencies follow which will be prejudicial to the Interest and Revenue of the Crown as well as introductive of the utmost confusion with regard to private property If a survey is deemed good under the Quit Rent Act when no Certificate or Return of the Survey has been made into any public office whatsoever it will be impossible to know what quantitys of Land have been taken up under patents the patentees may take up indefinite Quantities without discovery The King can never discover what Rents are due for such lands where the Quantities are not known. The priority of Survey can never be determined for besides the Frauds to which the private Surveys are obnoxious by Ante dates there's no means of comparing a Modern Survey with a former. for if there is no Record of a former Survey the present Surveyor General is under a Moral impossibility of coming to the knowledge of it And he cannot be bound to take Notice of that of which he has no possible means to be informed And therefore from the Reason and Necessity of the thing the Survey made and entered on Record must be deemed the only Survey. If it be objected that the Quit Rent Act provides that all persons should register their Lands and give an account of the Quit Rent. this objection will not help the matter in the case of the patentees because by that Act the patentees are only obliged to Register such lands as they hold in their own Right and not what they have sold and conveyed away and those who hold by Mesne Conveyance are only obliged

to register the last Mesney Conveyance and where there are several mesne conveyances it can seldom be discovered from what Titles they are derived or at what Quit Rents they are held and the Quit Rent Act does not require that the Register shall be made from the Oath of the party so there is still a wide opening left for Fraud

If it be further objected that the marked Trees which are described on the Land sufficiently express and ascertain the Boundarys It may be answered that altho the marked Trees and the other usual descriptions do remain on the Lands yet it does not thereby appear by what Authority those marks and Boundarys were made and if the Kings Surveyor were to be obstructed from Surveying lands by finding marked Trees round them it would be in the power of private persons without color of any Authority whatsoever to fix such Marks and thereby conceal vast quantities of lands to themselves secure from all manner of Inquiry And this has been a deceit too often used to blind and impose upon the Kings Surveyors.

There is one thing more which is common to all the patents. but is no objection to the legality of the Titles that are claimed under them which is that none of the patentees are under any Obligation to cultivate or settle this thó it is no legal Objection. yet is a very great misfortune and an hindrance to the Cultivation and settlement of Carolina. but must be left to the Wisdom of the Government to redress

Rec^{d} 1 June } 1733
Read 5 do }



B.P.R.O South Carolina B.T. Vol 5

D 48

To the Right Honorable the Lords Comm^rs for Trade & Plantations

The Humble petition of James St. John Esq Surveyor General of His Majestys Lands, Inspector and Comptroller of His Majestys Revenue and Deputy Auditor of the province of So. Carolina

Sheweth That the General assembly of South Carolina on the 20th day of August in the year of our Lord 1731 passed an Act of Assembly commonly called the Quit Rent Act which your petitioner apprehended to be very injurious and detrimental to the Rights Revenue and prerogative of the Crown

That your petitioner (as he was in duty bound) and agreable to the instructions he had received from the Right Honorable the Lords Comm^rs of his Majestys Treasury, and from his Majestys Auditor General of America and according to the several Trusts reposed in him did transmit to the said Lords of the Treasury to Your Lordships and also to his Majestys Auditor General of America several Observations on the aforesaid Quit Rent Act with some remarks relating to the management & disposition of His Majestys Lands and Revenue in South Carolina Which observations were most humbly submitted to the consideration of the several Boards to which they were sent and to whom your petitioner humbly conceives he was only accountable for the contents of such Observations

That a copy of the said Observations (as your pet^r has been informed were sent to His Excell^y Robert Johnson Esq the present Governor of South Carolina

Carolina by his private friends to the end (as your Petr apprehends) that these observations might be either contradicted or explained in case anything was therein mistaken or misrepresented by your Petitioner that these Observations were laid before the Assembly of South Carolina who thereupon became so enraged and inflamed against your Petitioner that they thought fit to commit him to prison on a very slight and frivolous pretence But the real and true cause of the Assemblys Resentment against your Petr (as he apprehends) arose from the Representns he made on the Quit Rent Act and on account of his continual and faithful perseverance in the Discharge of his duty and the Execution of the Instructions which he has received from Great Britain

That Your Petr altho he is well assured of the innocence and integrity of his own behaviour in the Execution of the several Trusts reposed in him yet he is far from desiring that his case should be finally Considered and determined till any charge that has or may be brought against him in shall be fully heard and your Petrs conduct thoroughly examined But your Petitioners great misfortune is that until such examination can be made your Petitioner must lie under a close confinement in a hot country in the most sultry season of the year and at a most exorbitant expence Your Petitioner being committed by the Authority of the Assembly his sufferings are very much prolonged and increased by their delaying ye business and adjourning themselves many days together without any apparent necessity for so doing

That Your Petitioner from the Violence of the many persecutions he has suffered on account of the faithful discharge of his duty and

from

from the close confinement he is now under is reduced to a very bad state of health and if his imprisonment is continued he will undergo the manifest hazard of his life

Your petitioner therefore most humbly beseeches your Lordships to take his hard case under your consideration and to give such orders or take such other effectual measures for relieving Your Petitioner for suspending the violence of the proceedings against him. and for the enabling him to go on in the discharge of his duty. until his case can be fully heard and finally determined as to your Lordship's in your Great Wisdom shall seem most just and fit

And your petitioner (as in duty bound) shall ever pray &c.

H. Vaughan

Agent for the petitioner

Rec.d 1 June
Read 6 June
} 1733

B.P.R.O. South Carolina B.D. vol 5
D56

Chiswick 4 June 1733

Sir

Being requested (as you know) by one of the Lords Commissioners for Trade. to set in a fuller light (than in my last) the difference there is between the Common Grants for Land in Carolina to private Grantees and the Grants made by the Lords Prop.rs to themselves I beg leave to observe that Carolina having never made but very inconsiderable (if any) profit by the Quit Rents (after paying the expence of Governm.t) it was usual for the Lords Prop.rs from time to time to make reciprocal Grants to themselves at a Pepper Corn Rent which were sold or disposed of to be run out at the pleasure of the purchaser or other lawful Owner These Grants tho not run out or taken up in the life time of the Grantee were descendable to the purchaser or owners or their Representatives.

The Common Grants to private Grantees. tho they were to Heirs. Executors Adm.rs and Assigns were never deemed to convey any property unless taken up or run out in the life time of the Grantee and were no more than Warrants of Election which were wholly extinguished by the death of the Grantee There was many times equitable circumstances which induced the Proprietors not to take advantage of such Extinguishment. As the Eminent services of the Grantee. a sudden Indian war being taken prisoner in going over to take possession and dying in the Enemys hands and many other accidents The Lord Carteret as I have been informed some short time ago sold to several considerable Merchants. and others his Baronys it would sure be very unreasonable. that in case Lord Carteret

the

the Grantee should dye before the Laying out these Baronys that the purchasers should lose their right to run them out. This is very likely the case of some others who claim under Reciprocal Grants But the Common Grantees were not purchasers. only paid a Rent after the Land was run out. the legal Reason for this distinction (as I have been told) and for which I refer myself to Mr Vane arose from this the Lords Proprietors were seized in Fee as Tenants in Common and each of them had full possession of one undivided Eighth part and such Reciprocal Grants were only small separate parts of what before was Contained in such undivided shares or parts But the Common Grantees (unless they run out their Lands) had no Seizin and therefor their Lands could not descend

If any doubt should remain with that learned Gentn I believe I can produce to him an Instance from the Legislature which will put the Right of such as Claim under Reciprocal Grants to Proprietors beyond all possibility of dispute. so that I beg leave to add that the most evident and essential difference between the Grants made to me and the Common Grants is that mine were not void being run out in the life time of the Grantee all Grants being void if not run out before the death of the Grantees ex except such as derive their Right of Claim from any Reciprocal Grant to the late Lords Proprietors and I not know the Lords of Trade to be persons of great honor I should not express myself with such Frankness for I have a Barony undisposed of and I am in a declining way thó in Equity I may justly be deemed a purchaser I am Sir Your most obedt & most humble Servt

Tho: Lowndes

P.S As to the No of Baronys not disposed of by the Proprietors I included in the Crowns purchase if I remember rightly they are particularly excepted in ye act of parliament

Rec 5 June
Read 6 July } 1733

B.P.R.O. South Carolina Vol 5

D5Y

25 June 1733

My Lords

In consequence of a letter from myself of the 12th instant to Sir Orlando Bridgman one of Your Lordships Board and also of one other like Letter to your Board of the 22nd ditto I humbly beg leave to observe to your Lordships that the late Lords Propts of Carolina did in June 1717 grant to Sir Robert Montgomery (in Trust for another person) all the Tract of Land between the Rivers Alatamaha and Savanna with all Islands &c which Grant tho' really void is now revived and stands fully confirmed and established by 15th page of the printed Copy of an Act passed in South Carolina 1730. Entituled An Act of Remission of arrears of Quit Rent &c

The territory mentioned in Montgomerys Grant is now by his Majestys Letters patent created into the province of Georgia

I am by good hands informed that the person who pretends to claim under this Grant intends in a short time to take possession of it. and if once possession is got which in all probability may be done before the Act is repealed (A person being now arrived from Carolina to support and the Agent praying to show cause before the Lords of the Council for its confirmation) the Claimant must certainly have in view the maintaining his Title by a Subscription in the Year 1720 of a large Sume of Money made by many persons of the best rank and quality Great part of wch Money was said to be expended in buying Arms Cloaths Tools and Utensils &ca for settling and cultivating some Islands or part of the

Territory

Territory mentioned in the above named Grant which Territory or Islands are part of Georgia. Your Lordships in your Report for repealing this Bill having not objected to the confirmation of Montgomery's Grant is construed as a tacit acknowledgement of its validity

In the year 1725 there was a Treaty set on foot betwixt the late Lords proprietors and the persons claiming under the Grant to the late Sir Robert Montgomery from wch (if possession is once got) many arguments for pretended equity may be drawn the papers relating to that Treaty are my property and in my possession and ready to be produced. the Grant from the late Lords proprietors is very loosely and improperly worded and affords many advantages to the Vews the Vews the persons claiming under it may have if (as the Act of Carolina now stands) the Grant be entered upon

The various involved and complicated Transactions that have been carried on either really or pretendedly under this Grant to Montgomery may I humbly presume (if care is not taken) occasion your Lordships innumerable applications. I hope I have made out what I undertook and I would be impious in me to doubt the performing of what I was promised on the 23d Inst in the name of Your Lordships Board and which I humbly insisted on in my Letter of the 12th Inst as a Reward for this service Vizt Your Lordships favour and protection in any application I shall hereafter make to Your Lordships where I have Justice Equity or Reason on my side. and I hope not to live to put any disingenuous Interpretation on these Words And I beg your Lordships will please to order a proper Minute upon this occasion.

The

The Earl of Westmoreland to whose Goodness I have great obligations will now see I have done what I took the liberty to inform his Lordship I could do in my Letter to his Lordship of 4th May 1732 I delayed giving your Lordship's till I saw the Kings Officers who wrote over against this Act to miss the point, and that the Intent of the Publick as to the settlement of Georgia was just going to be frustrated

When the limits in North America between Great Britain and Spain are to be adjusted I have something (I presume) of consequence to lay before Your Lordships Board I am My Lords

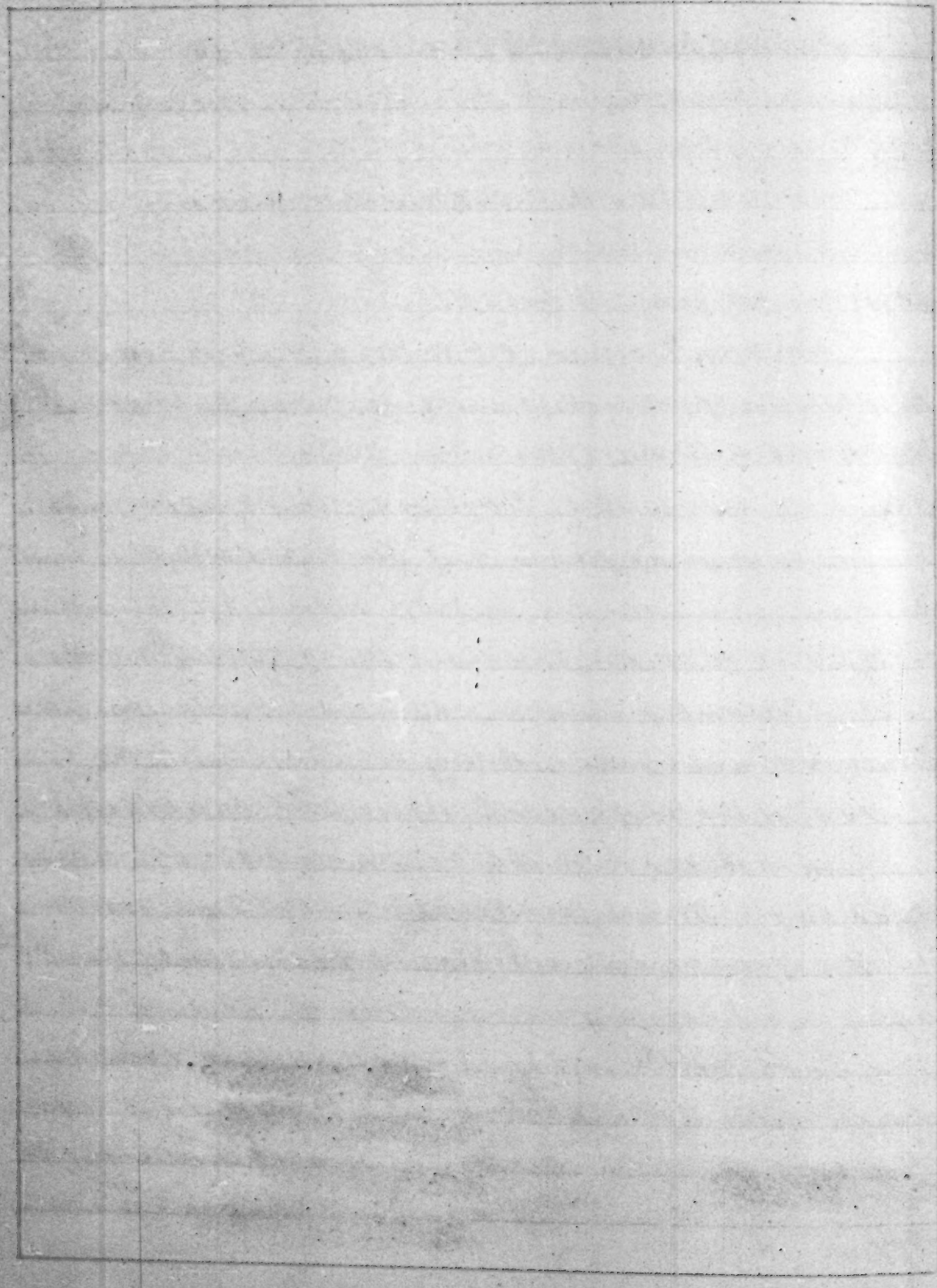
Your Lordships most obed.t most humble Serv.t

Tho: Lowndes

p. S

The Grant to Montgomery is entered at large in one of the late Lords Propr.s Books which I believe was delivered into the Plantation Office upon the Crowns purchase. there is in another of their Books a Memd.m of this Grant given in by the late Propr.s to the Lords of the Council at the time of the said purchase. which for your Lordships perusal Mr. Wheelock permitted me to look out. Azilia and the Golden Islands are all in the same Grant to Montgomery

Rec.d 26 June
Read 4 July } 1733



B.P.R.O. South Carolina (B.T.) Vol. 36. p. 63.

Whitehall.

June 7th 1733.

To the Honble Colo Johnson.

Sir,

Having received from Mr Vaughan, Agent for Mr St John Yr Surv. general of Carolina Setting forth his having been committed to Prison by Yr Assembly of South Carolina, on a very slight & frivolous Pretence to Yr great prejudice of his Majestys Service there We have been attended by Mr Whitaker the late Attorny General of that Province, and by Mr Hume late Speaker of Yr Assembly. And having seen the Minutes of that House & heard what was offerd in behalf of Mr Shubrick with respect to Yr words represented to have spoken by him agt the Assembly. We have reason to believe that had there been no Resentment agt him, on account of Yr Informations, and Observations, which according to his Duty he gave here upon Yr passing Yr Quit Rent Law, the Assembly would not have been so exasperated agt him. We therefore recommend it to you, to get the Rigour of this Prosecution abated as far as lyes in Your Power, and likewise to use Yor Endeavours

to

to obtain his Discharge from Prison, nothing being more disagreeable to us, than that any Persons especially those Employ'd in his Maty's Service should suffer for having discharged their Duty, by giving any Information whatever to this Board, which they shall judge may contribute to the publick Service, So We bid You heartily farewell, and are

Your,
Very Loving Friends
and humble Servants,
P. Docminiques.
Mart. Bladen.
H. Pelham.
Dr. Bridgeman.

Endd

B.P.R.O South Carolina B.T. vol 5

Q53

12 June 1733

To Sir Orlando Bridgman
one of the Lords of Trade

Sir

I take the liberty to acquaint your Honor and the rest of the Lords Commissioners for Trade and plantations that there is a most scandalous unreasonable Interpretation put upon an article in the Governor of South Carolina's Instructions and the province will be involved in great difficultys if a Remedy be not speedily applied. The abuse is committed under the name of Family Warrants. Many hundred thousand Acres of the Choicest Land upon the best Rivers are run out under the pretence of complying with an Order which was wisely intended for the Good of the province and which without abandoning all Common understand[g] and Common Honesty could never have been wrested as it has been It is the latter part of the 42 Article that they force to give a Sanction to their proceedings I believe the Lords of Trade have not yet been informed of this unprecedented Transaction

I also beg leave to observe to you and the rest of their Lords[ps] that there is (I humbly conceive) a thing in my power to lay before your Board and which if not timely discovered, and prevented will occasion a great deal of trouble to the Lords of Trade, and be of very ill consequence to the Publick and their Lordships Correspondents (I believe) cant inform them of this particular till it is too late I will undertake candidly to shew their Lordships the whole affair. But then I hope I may depend upon having (as

(as a reward for the service) their Lordships favor and protection in any application I shall hereafter make to them, where I have Justice Equity or Reason on my side

Your Honor cant have forgot that when the Lords of Trade through misrepresentations to them had settled the Quit Rent in South Carolina at 2 shillings p hundred Acres Proclamation Money I gave you some Information (to be depended on) that the land would bear a much higher Rent upon which their Lordships altered their Resolution and settled the Quit Rent as it now stands

Youll please to indulge me by letting Mr. Dominique know that he misunderstood what I said at your Board the other day (when amongst other things) I asked him whether I had expressed myself clearly enough for that Question had no reference to the affair which Mr. Thorpe gave their Lordships the trouble of (and wherein he now wants to equivocate and explain) but to a Letter relating to patents which Mr. Dominique desired me a few days before to write to the Board, and designing next week to go to France I thought it but a decent piece of Respect to ask if that Letter wanted Explanation. Your goodness I hope will pardon this tedious Letter and allow me the honor of subscribing myself with the greatest respect Sir

Your most obedient and most humble servant

Tho: Lowndes

P S I have an utter aversion to the giving Gentlemen of Rank any trouble and if their Lordships refer me to Mr. Wheelock or Mr. Burrish to explain myself They will have patience with my weak state of health and I know Mr. Secy Popple as* such a vast load of business that he cant allow me time to be understood

Rec[d] 12 } June 1733
Read 22 }

* = has

B P R O South Carolina B D Vol 5

D 54 Council Chamber Charles Town 10th April 1733

To the Right Hon^ble Lords for Trade &c

My Lords

Since my former relating to Port Royal a Sloop of Providence but lately at the Havanna arriving here and being informed that the Master had something Material to inform me. I had him before his Majestys Council where being exam^d he Swore to the Affidavit enclosed which I do myself the Honor to send to your Lordships. I am with great respect

My Lords

Your Lord^ps most obed^t & most humble Servant

Rob^t Johnson

(Inclosure) D 55

The deposition of Nathaniel Coverly Master of the Sloop Batchelor Deposeth That he was sent in the said sloop from Providence to the Havanna some time in December last with a Packet directed from M^r Colebrook of Providence to M^r Nicholson factor there That the said Nicholson informed this Dep^t that three Sixty Gun Ships of War were then fitting out to destroy Port Royal in South Carolina and that there was then an Embargo laid on all Ships and Vessels in that Harbor and that he himself was Embargoed between 40 and 50 days on that account to prevent any Intelligence being given of the said Intended expedition The said Ships were commanded by an Admiral. the ship he mounted was named the Blandon one other

La

La Plume the third he knows not the name of. There was at the same time at Mr Nicholsons an Officer belonging to the said Ships. who talked very good English. who likewise told him the said Ships were designed on that expedition That it was desired of him this Deponent either by Nicholson or ye said Officer to inform them whether the Fort at Port Royal was built on the South or North side of the River. and that this Depon! told them it was built on the North side That it was the common Report that the said Ships came from La Vera Cruze with a great Treasure of Silver and other Money on Board. That the Captain of a Rhode Island man told him that great part of the said Treasure was Landed and that this Depon! told them that the Bar at Port Royal was very dangerous. and believed that if twenty of their Ships came there none would go back again. That there was a stop put the said Expedition. and the landed Treasure taken on board again. which this Deponent believes was occasioned by his saying the Fort was built on the North side of the River and not on the South side. and that the said ships did sail while he was there one to Old Spain the other two to the Coast of Caraccas as he was informed. and that he believes the Ship called La Plume was that as sayled for Old Spain as he was informed with the Money she being reckoned a very good Sailor and further this deponent saith not

Nathaniel Coverly

Sworn before me in the
Council Chamber ye 10 April 1733. Robt Wright Justice

Rec.d
Read } 28 June 1733

B.P.R.O. South Carolina B.T. vol 5
D. 58

12 June 1733

Deposition of Mr. Thorpe proving that his Barony of Land in South Carolina bought of Mr. Lowndes was procured to be laid out by fair and honest means

I Robert Thorpe do upon the Holy Evangelist declare that I did not directly or indirectly bribe or cause to be bribed Colonel William Bull or any other person on his behalf by means whereof I got into possession of a certain Tract or Barony of Land purchased of Mr. Thomas Lowndes but that I got the same to be run out plotted and Surveyed by fair and honest and conscientious Methods only

Robert Thorpe

Sworn this Twelfth day of June
One thousand Seven hundred and
Thirty three before me at the
Public Office - J. Lightbon

Rec^d 12 June
Read 4 July } 1733

B. P. R. O. South Carolina B. 2 bot 5

Q. 59

11 August 1733

To Mauvel Popple Esq^r

Sir

I take leave to inclose to you a Copy of the Carolina Act commonly called Archdale's Act pursuant to your Letter of yesterdays date I would have waited upon you with it myself, but tomorrow morning am to enter upon a very long Journey. I shall return to Town in about three weeks when I will wait upon you to receive the Commands of My Lords Comm^rs for Trade and Plantations I am Sir

Your most obedient humble Servant

Sereg^e Jury

(Inclosure)

Q. 60

South Carolina

Copy of the Act to ascertain the prices of Land Forms of Conveyance and the manner of recovering rents &c rec^d from M^r Jury

Rec^d 13 Aug^t } 1733
Read 17 Oct }

B P R O South Carolina B J Vol 5

D 50

Rec^d 14 June 1733

To the Right Hon^ble the Lords Comm^rs for Trade & plantations

The Memorial of Charles Purry Attorney to Col. Peter Purry

Humbly Sheweth That in the Year 1730 Col Purry went to Charles Town in South Carolina from whence pursuant to and upon the Faith of an Order of the of that Province who thought it necessary to have a settlement of protestants upon the Southern Frontiers. he went on purpose to view the Land along the North Shore of the Savana River and as he found there a convenient place for a Township he marked it

Robert Johnson Esq Governor of South Carolina in Order to induce the Suiss protestants to settle there was pleased to publish a proclamation forbidding any of His Majestys Subjects to run out or appropriate to themselves any part of the said Township or any Tract of Land within six Miles of the same which said six Miles was annexed thereunto by His Majestys in Instructions.

Col Purry begs leave to observe that the said six Miles being reserved to His Majestys disposal His Majesty is enabled (without any expence to the Crown) by granting the same to encourage the peopling of the 3^d Township

That Col. Purry is since informed from Carolina that some people have already run out and appropriated to themselves many Tracts of Land by which means the Lands annexed to the Townships will be run out & taken up before Col: Purry can entitle himself to his Grant of forty eight thousand Acres. and thereby persons who have in no manner contributed

to

to the peopling of the said Township will reap the benefit of Col. Purrys charges and Labour. And Colonel Purry begs further to represent that if this method of running out the Lands is not prevented and that the 48000 Acres of his Grant are not ascertained to him within the said six Miles reserved and adjoining to the said Township he will be rendered incapable of perfecting the said settlement and all the Toil and Charge he hath already been at will be lost and the Town will not be established and His Majty will lose an occasion of acquiring a vast number of protestant subjects.

Therefore Colonel Purry hopes that Your Lordships would intercede with His Majesty will be graciously pleased to authorize his Governor of South Carolina or his Surveyor General in the said province to make a Grant of part of the said 48000 Acres to the said Purry or his Assigns in the six Miles of prohibited Land annexed to the said Townships from the East side of it, to and boarding Savanna River in proportion to the number of Swiss already imported. and that the Residue of the said 48000 Acres may be laid out and ascertained to him for the future to the end that the same be granted him in proportion to the Number of Swiss from time to time imported until the whole shall amount to Six hundred persons

Recd
Read } 14 June 1733

B P R O South Carolina B. T. vol 5

D 51

14 June 1733

To Alured Popple Esq.

Sir

Mr. Roberts of Deans Court in conjunction with several other gentlemen having some time ago bought Eight Baronys of Land of 12000 Acres each in His Majestys province of South Carolina of the Right Hon.ble The Lord Carteret I was Agent for the said Mr. Roberts and the other Gentlemen do hereby desire that when the Right Honorable The Lords Commissioners for Trade & Plantations do give any Orders and Instructions relating to Titles of Tracts of Land in South Carolina You will please to acquaint their Lordships that the said Mr. Roberts and the other Gentlemen concerned do claim all the Rights Properties Privileges Advantages Descent of Election and all other prehemineries that did belong to the said Lord Carteret with respect to the said Baronies

I am Sir Your most obed.t humble Servant

Jam Allen

Bolt Court. Fleet Street

June 14.th 1733

Rec.d } 19 June 1733

Read }

B. P. R. O. South Carolina (B.T.) Vol. 26. p. 65

Whitehall.
June 19th 1733.

To the Right Honble the Lords of the
Committee of his Majtys most Honble Privy Counc.

My Lords.

Pursuant to Yor Lordps Order of the 22d Day of ye last Month, We have considered the Petition of Charles Purry, Attorney for Colo John Peter Purry praying, for ye Reasons set forth in his Petition, that his Majesty will be graciously pleased to authorize ye Governor of South Carolina, to grant to ye said Colo Purry, such a part of ye 45000 Acres of Land allowd to him, upon his Importing Six Hundred Swiss into that Province, as shall be in proportion to the Numbers of Swiss, already Imported, and as he shall hereafter Import them from time to time into South Carolina.

Whereupon we take Leave to acquaint Your Lordps that in consideration of the great Advantage that may be derived to ye Province of South Carolina from Mr Purry's undertaking, Who as we are Informd has already imported 150 Swiss Protestants

part

part of ye aforsd 600 into South Carolina, and for his Encouragemt to proceed in this Undertaking We are humbly of Opinion. that his Maty should be graciously pleased to Grant his Request which may be put in Execution, by Virtue of an Instruction from his Majesty to Colo Johnson, Governor of South Carolina, a Drat of which We have prepared, to take Leave to transmit ye same herewith, to Your Lordsps, wherein We have also thought it necessary for his Majesty's Service to provide that ye whole 48000 Acres, designed as ye future Reward of Colo Purry's Services when performd, should be forthwith marked out, in ye Lands most contiguous to ye Swiss Townships. and that no part of ye said 48000 should be granted to any Person except ye sd Colo Purry, nor any part of the said Township to other Persons except ye Swiss Protestants, intended to be settled there, until his Majestys further Pleasure shall be known. We are

My Lords.

Yor Lordships most humble
and most Obedient Servants.
Westmorland, P. Dominique, J. Pelham,
Ed. Ashe. Ja. Brudenell. M. Bladen.

[Enclosure]

Additional Instructions to Our Trusty & Welbeloved Robert Johnson Esq.r Our Capt. General & Governor in Chief in and over Our Province of South Carolina in America or to the Commander in Chief of Our said Province for y.e Time being Given at

Whereas you were by Instruction from Our Royal Consort as Guardian of Our Realm & Our Lieut within the same bearing Date the Day of 1732 upon a proposal of Lieut Jean Pierre Purry for Setting 600 Swiss Protestants in South Carolina, including Women & Children, directed that upon his producing to you Certificates of having Imported 600 Swiss Protestants into South Carolina, you should Grant to him & his Heirs for ever 48000 Acres of Land, Subject to the Usual Quit-rents, reserved upon all Lands granted by the Crown in Our said Province, after the Expiration of the first ten Years from the Date of his Grant, under this further Condition, that if any of the Lands so granted, should not be cultivated within the Space of ten Years from the Date of such Grant, such Lands should in that Case, at the Expiration of the said ten Years, revert to the Crown

Crown; And y^e^ said Sieur Purry having by his Petition to Us set forth, that he has already Imported & settled 150 such Swiss Protestants in South Carolina, and prayed a Grant of part of the said 48000 Acres, in proportion to the Number of Swiss already Imported, and for the future to have the like Grants, in proportion to the Number of Swiss, he shall from time to time Import into the said Province, until the same shall Amount to Six hundred, We have considered the said Petition, and are graciously pleased to approve thereof. And it is therefore Our Will & Pleasure, That you do Grant unto the s^d^ Sieur Purry a quantity of Land, in part of the said 48,000 Acres, in proportion to the Number of Swiss he has already Imported, and so from Time to Time in Proportion to such Numbers as he shall Import and Settle in that Province, until he shall have Imported and Settled the full Number of 600 Persons, according to his proposal, and under such Reservations, Restrictions & Conditions, as by Yo^r^ forementioned Instruction, You were Directed to Grant unto him, the said full quantity of 48000 Acres, which 48,000 shall forthwith be marked out in the Lands lying most contiguous to those

Set

set apart for ye Swiss Townships. And you are further required to take especial care that no part of ye 48.000. Acres be granted to any Person, except the said Sieur Purry, nor any part of the sd Townships to other Persons, except to ye Swiss Protestants, intended to be settled there, until Our further Pleasure thereupon shall be known.

B.P.R.O. South Carolina B.T. vol 5
D. 52

22 June 1733

My Lords

The province of Georgia is in imminent danger of being ruined at least the Settlement will be vastly discouraged. and the intent of the Publick will be frustrated. and your Lordships must have endless applications if what I have to propose be not taken immediately under consideration

I intend to set out for France on Wednesday next the constant acute pain I am in renders me unfit for the honor of having a long audience at Your Lordships Board if the terms proposed in my last (which I hope are not reckoned immodest) are granted me I will honestly communicate in writing what this matter (which Your Lord.ps will find to be of great importance) is

I am with the greatest respect
My Lords
Your Lordships most obedient and
Most humble Servant
Tho Lowndes

Rec.d
Read } 22 June 1733

B.P.R.O. A.+W.I. vol. 621.

Claremont June 22d 1733.

Copy

Dear Sir

I had the honour of your Letter with the inclosed from My Lord Craven, recommending Mr Craven to succeed Mr Johnson in the Government of South Carolina; I beg you would be so good as to send the inclosed to his Lop not knowing myself, whether My Lord be in town or in the Country

I have acquainted My Lord Craven, that there is no Resolution taken, to remove Mr Johnson nor are, as I know of, any of the Complains against him yet heard, so that at present there is no Vacancy, and indeed I am not sure there will be any... When I have ye pleasure of seing you, I shall acquaint you with what I know of ye State of Govr Johnson's Case. I am extremely sensible of your Goodness to me, & hope you will be assured that I am, with the greatest sincerity & respect

Dear Sir &c

(Mr Solicitor General.) Holles Newcastle

P.S. I have been so hurry'd between this place, Richmond & London, that I hope Ld Craven & yourself, will excuse

excuse my not having sooner answered your letters; which I beg you would be so good as to hint to his Lor.

B. P. R. O. A & W. I. Vol 621.

Copy.

Claremont June 22. 1733.

My Lord,

I had the honour of your Lor.s Letter from Mr. Solicitor General, and beg leave to acquaint your Lor.s, that tho there are Complaints against Governor Johnson, there has yet, as I apprehend, been no Determination upon them; nor is there any Resolution taken to remove him from his Government: so that there is at present no Vacancy. I have the Honour to be, with the greatest truth and respect,

My Lord

Your Lor.s

most obedient humble

Servant

Holles Newcastle

L.d Craven

B. T. R. O. South Carolina (B.T.) Vol 26. p. 40.

Whitehall
June 28th 1739.

To his Grace the Duke of Newcastle.

My Lord.

Having rcvd from Col: Johnson, a Depositon made before him & Yr Counc: of Carolina by Nath: Coverley, Master of Yr Sloop Bachelor, relating to an Expedition intended agt Port Royal from the Havana; We take leave to inclose to Your Grace a Copy thereof, tho' We hope, there was never any solid Foundation for what Yr Sd. Master heard at the Havana. We are

My Lord,
Your Graces,
Most Obedient & most Humble Servts
Westmoreland.
P. Docminique.
M. Bladen.
Ed. Ashe.

B. P. R. O. South Carolina (BT.) Vol 26. p. 41.

Whitehall.
July 19th 1733.

To the Right Honble ye Lds of the Committee
of his Majesty's most Honble Privy Council.

My Lords.

In pursuance of Yor Lordsps Order of ye 24th day of Apl last. We have considered the humble Petition of Robt Thorpe to his Majesty, setting forth that he hath a Right to 9000 Acres of Land in his Majtys Province of South Carolina, by Virtue of a Grant from ye late Lords Proprietors of that Province. and that ye said Lands have been surveyd & allotted to him, by ye Surveyr Genl there, yet in Regard the said Survey hath been made, without a Warrant from his Majesty's Governor for that Purpose Several Doubts have arisen concerning ye Legality thereof. Whereupon Yor Lordsps were pleased, to order that We should State ye Facts Alledged in ye sd Petition and examine whether & wherein the Petitioners Grant doth differ from other Grants of Lands made by ye late Lords Proprietors of South Carolina

Hereupon We take Leave to acquaint
Your

Yours Lordsps that we find ye Allegations of this Petition to be true, and wth Respect to the Differences between ye Petitioners Grant and other Grants of Land made by the Lords Proprietors We thought fit to desire ye Opinion of Mr. Whitaker, Lately his Majesty's Attorney General in South Carolina, who hath given us a very ample Account of the Several Kinds of Patents & Grants which have been issued in that Province under the Authority of the late Ldps Proprietors And We have thought proper for Your Lordships Information to annex a Copy of Mr. Whitaker's Memorial upon that Subject, to this Report, in which these Grants are distinguished, under three Denominations, Vizt. Ancient Patents, or those ye Patent formerly Granted to ye Nobility of Ld Carolina, the Landgraves & Caziques, Secondly, Modern Patents, which are those Conveyances, that have been granted by ye Late Ldps Proprietors to private Persons wth particular Clauses & Conditions before ye Year 1727, and thirdly, Reciprocal Patents, or Grants which ye Lords Proprietors made to One another of divers Baronys, or large Tracts of Land to be held in Severalty.

The

The Grant now before Yo^r Lords^{ps} comes under y^e Denomination of a Modern Patent which is a General Grant made by the Lds. Proprietors of a certain Tract of Land to be taken up, in any part of Carolina upon Condition the Grant be enrolled within two Years after its Date and containing a Special Direction in y^e Body of y^e Deed, to y^e Surv^r Gen^l of Carolina, requiring him within 20 Days after Notice, to cause y^e Land Granted, to be laid out & admeasured.

This Direction to y^e Surv^r Gen^l wch after enrollment in South Carolina is esteemed of equal authority wth y^e Gov^rs Warrant for laying out Lands is We apprehend, y^e chief Point wherein this Grant differs from y^e Ancient Patents, wch are destitute of such a Clause & according to M^r Whitakers Information, have never been regularly return'd or recorded in any proper Office, to wch y^e Subject might have Access. We are

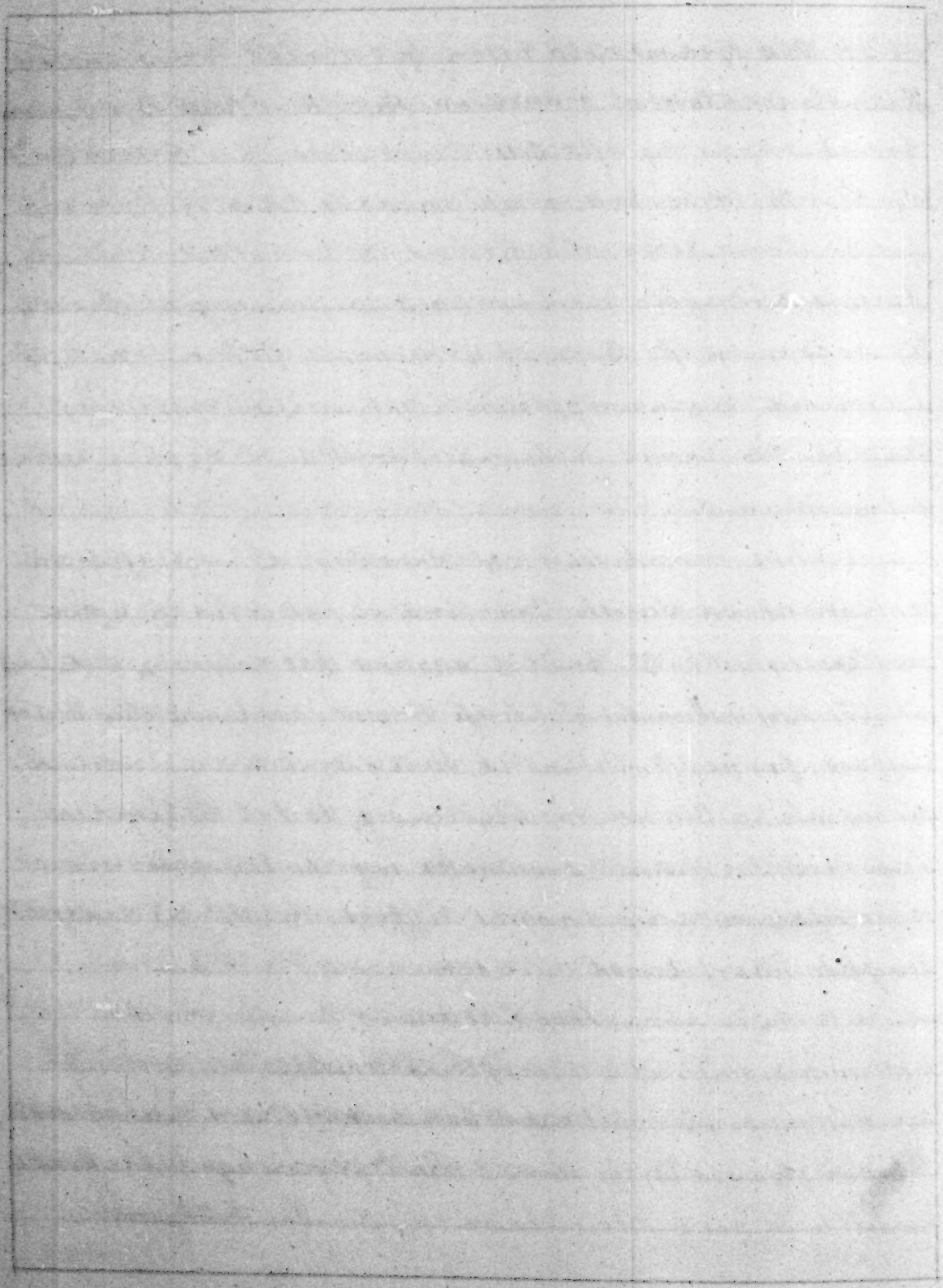
My Lords,

Yo^r Lordsp^s

Most Obedient & Most humble Serv^{ts}

P Dominique. M Blade

Y. Pelham.



B.P.R.O. South Carolina B 3 Vol 5

Q.66 At the Court at Hampton Court the 19th day of July 1733

Present

The Kings most excellent Majesty in Council

Whereas His Majesty was pleased by His order in Council of the 10th of May last to refer unto the Consideration of a Committee of the Lords of His Majesty most honorable Privy Council the humble petition of Charles Purry agent for Colonel John Peter Purry humbly praying for the reasons therein set forth that his Majesty would be graciously pleased to authorize the Governor of South Carolina to grant to the said Colonel Purry such a part of the said forty eight thousand Acres of Land already agreed to be allowed him upon his importing Six hundred Swiss into that province as shall be in proportion to the number of Swiss he hath already imported and shall hereafter from time to time import into South Carolina. And also further praying that the same may be marked out in the Lands adjoining to the Swiss Township in that province. The Lords of the Committee this day reported to his Majesty at this Board that they had considered thereof and were of opinion that the granting the petitioners request would be an encouragement for the said Col Purry to proceed in the said undertaking and to that end their Lordships humbly offered to his Majesty for his Royal Approbation a Draft of an additional Instruction prepared by the Lords Comm.rs for Trade and Plantations proper to be sent to Robert Johnson Esq. His Majestys Governor of

South

South Carolina in that behalf. His Majesty this day took the said Report and Draft of Additional Instructions into his Royal Consideration and was pleased the advice of his privy Council to approve of the said Draft of Additional Instructions (which is hereunto annexed) and to order as it is hereby ordered that His Grace the Duke of Newcastle one of His Majestys principal Secrys of State do cause the same to be prepared for His Majestys Royal Signature

A true Copy
Ja: Vernon

Recd
Read } 20 December 1733

B.P.R.O. South Carolina (B.T.) Vol. 26. p. 44.

Whitehall.
July 31st 1729.

To Francis Fane. Esq.

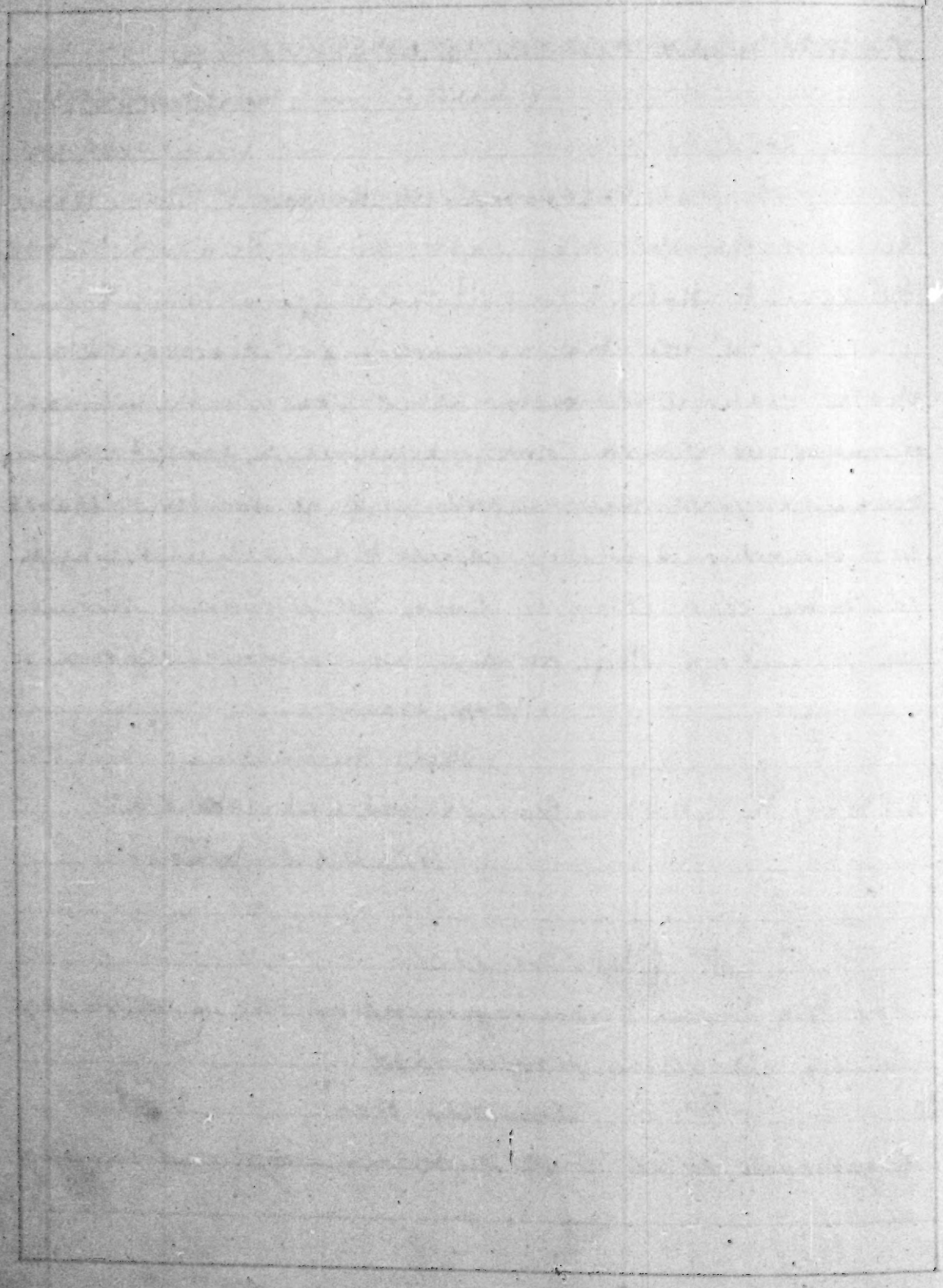
Sir,

My Lords Commissioners for Trade & Plantations command me to send You ye inclosed Act passed in South Carolina in 1696 for ye encouragement of the better settlement of South Carolina wth another Annexed thereto. Entd a continuing & reviving Act. And to desire Yor Opinion thereupon in point of Law. as soon as conveniently may be

I am,
Sir,
Your most humble Servt
Alured Popple.

An Act
For the better Encouragement of the Settlement of South Carolina passed 1696.

Another Act
Annexed to it Entd a continuing and reviving Act.



B.P.R.O. A. & W.I. Vol. 19. p. 55.

Charles Town the 17th Sept. 1733.

My Lord,

I have received the Honour of Your Graces Letter of the 22d May last, by the Hands of Mr Frederick Holzendorf I have given him a Commission in the Militia, as your Grace desires, and shall Gratify him in all things, to the utmost of my Power, being very desirous to shew on all occasions the great regard I have for Your Graces Commands, and the profound respect with which I am

My Lord

Your Graces

Most Humble and most

Obedient Servant

Robt Johnson.

His Grace the Duke of Newcastle.

B.P.R.O South Carolina B.T vol 5

Q61 Charles Town 17 Sept^r 1733

Right Hon^ble Lords for Trade &c

My Lords

I send your Lordships copies of the Affidavits of John Calcock and Edward M^c Iver taken before me on oath I thought it might be for His Majesty's service to communicate them to your Lordships having nothing else material to Impart I remain with great respect

My Lords

Your Lordships most obedient and most

Humble Servant

Rob^t Johnson

(Inclosure) South Carolina

Affidavits of John Calcock and Edw^d M^c Iver proving the loss of the Spanish Flota

(refered to in Col Johnson's letter of 17 Sept 1733

Rec^d 15 Nov } 1733
Read 28 . }

B.P.R.O. A. & W. I. Vol. 19. p. 57.

South Carolina (17 Sept. 1733.)

Memorandum That on the 17th day of Septem: 1733. Before me Robert Johnson Esqr. Capt. General and Comman.r in Chief of his Majties Province of South Carolina & a Personally appeared Edward Mc Iver late chief mate of the Brigantine John, Andrew Bisset master who being duly sworne on the Holy Evangelists of Almighty God, saith the following is to the best of his knowledge and the Informations he could get at the Havanna and p account kept in his Journal a true account of the loss of the Flota viz.t

Havanna Sunday July 2d 1733. Sailed from hence the Spanish Flota under the Command of Don Roderigo de Torro, his Flag hoisted at the Mizen topmast head, the number of vessels, what Tunnage, and Guns each vessel was of viz.t Four ships of Warr, 2 of which had 60 Guns mounted, another a new ship built in the Havanna never before at Sea, had but her upper Tear of Gunns, commended by Capt. Daniel Ohony an Irish Gent.r, the 4th a 50 Gunn Ship, and a Dutch flyboat about 60 Guns for a store ship, mounted 12 Guns. Merchant Ships 1 Genoex built ship 20 Guns mounted about

Merchant Ships

400 Tuns.

1. La vera Cruz built ship 30 Guns mounted, this ship had two tier of Ports ..... } Tuns 800

1 Dutch built Frigat 24 Guns mounted ..... 500 Tuns

4 English built Vessels each 24 Guns ..... 600 Tuns each

1 New England built ship of 3 Decks had 36 Guns mounted 2 Tear of Ports in weast } Tuns 900

6 Old England built Frigats of 4 + 500 Tuns p peice, some 20. others 24 Guns mounted } ---

Havanay Merch.t Ships

1 Old England built ship 30 Guns mounted about ..... Tuns 700

1 Small ship about 90 Tuns 6 Guns Mounted, and a snow about the same burthen bound for St. Augustine.

Wednesday 11th of July

The first part of the day we had Thick Hazey Weather, the wind variable, the latter part of the day we had very hard squalls from S.e to S. E. with Thunder, Lightning and heavy showers of Rain.

6.d The Governor ordered a Sloop out to discover amongst the Islands whether or no the Flota had come to damage.

11.th The said Sloop returned with an Account of 6 Sail which they saw ashoar about the S.e

end

end of Key Largo, about the Latitude of 24°. 50^min being N. E. 33 Leagues from the Havanna. 6 sloops was directly sent from the Havanna with Provisions water and other necessarys to relieve them.

13th There arrived in the Havanna a Launch and 40 Men which gave the following account. That 2 of the Men of Warr and one of the large Merchant ships (the Admiral being one of the Men of Warr) was cast away upon a shoal about 14 miles from the Shoar with the Wind at S. E. at 10 at Night, they all kept to their Vessels till the Storm abated, and next day went ashoar, the Admiral much hurt, 2 more ships in sight of the Admiral lost, one her mainmast and Mizen-mast, the other her Mizen-mast, mainmast and foremast by the Hounds, these two Ships let go their Anchors, and rid it out, both saved and arrived in the Havanna, one of which is the La Vera Cruz ship y^e other an English built vessel. Another let go her Anchors in fifteen Fathom water and let their Cables run end for end, the rest of the large Vessels stuck fast upon the Banks, only the new man of Warr com^d by Capt Olonay was not to be heard of. its believed he is safe by reason of a better offing than any of

of the Flota the small ship rides afloat with 2 Anchors and Cables a head - no account of her People she's imbedid round, and no channel as yet found to get her out, the small ship bound to St. Augustine Foundered at Sea, one Man saved after floating 2 days upon the Water &c and that all the other Vessels were so comodiously cast away that nothing would be lost.

15th Arrived a Sloop from the Admiral with an order for all Vessels to repair to the Wrecks, We amongst the rest were ordered to dispatch thither upon which we discharged our Cargoe, and

At Sea the 18th we sailed for the Wrecks. the first trip we

18th brought from the Admiral 300 Chests of coined Silver and Gold and 110 Chests belonging to passangers, and 170 Passangers. Our second voyage we brought 100 Chests of Coined money 40 Chests Wrought Plate, 300 Bags Cochaneal and other things

Aug 9th of the Admirals, The 9th of August the Admiral Don Roderigo de Torro imbarkid on board of us, we weighed and Stood for the Havanna, the 13th

13th at 2 in the Morning we fell in with two Ships standing to ye E: ward, the one lay too, till the other came up, they fired 2 Guns to Leeward

which

which we return'd, and then gave us chase, in a Quarter of an hour more they fired a Shot over us upon which we haul'd our wind and got clear but this endeavouring to Escape caused us to stand too much into the Stream, and next day at noon found ourselves to the N: ward of where we first departed and Water and Provicions growing short was concluded to put for S.t Carolina, but the Wind favouring us from the N.E.ward got in with the Land in the Lat: 25:00 when the Admiral went in person
Aug.t 18.th and sent us off Water, the 18.th arrived safe in the Havanna with 4 Sloops in Company, the Money being now all arrived safe, without the know-ledge of any lost, amounting, as is said to 15000000 ℔.s 8/8.

The following Accot is what I had of an English Seaman cast away in one of the Ship's of Warr, being an Account of their Manner of working

Wednesday morning they made the Land about ye Latit: 25:00, the Winds variable thick and Hazy weather they Tack't and stood to the E:ward about noon hard Gales from the N. E. which back.d round

round against the Sun 'till came to S.E. from whence it blow'd a hard storm, with thunder Lightning & rain, betwixt one & 2 they handed their Mainsail & wore under their foresail, and when almost before the Wind, they instead of easing of their fore sheet, they cut it, after which the sd Foresail blow'd in peices, they also cut their Masts and Bowsprit away and lay Trying a Hull, and likewise throw'd 14 Guns overboard and cut all their Anchors from the Bowes, at 10 at night was fast aground &c= by the 25 August the Wreck was burat to the Waters edge for the Iron work.

Edward Mc Ivers

Sworae before me this
17th of September 1733.

Robert Johnson

This is a true copy of the
Original Examined by me

J. Badenhop Cler: Com.

B.P.R.O. A & N. I. Vol. 19 p. 58.

So. Carolina. (17 Sept. 1733.)

Memorandum. That on the 17th day of September One Thousand seven Hundred and thirty three, Before me Robert Johnson Esqr. Captain Genl. & Commander in Chief of His Majesties Province of South-Carolina &c. personally appeared John Colcock of Charles Town aforesaid Mariner who being duly Sworn on the Holy Evangelists of Almighty God, Saith that the Account following is to the best of his knowledge (and what he could learn at Havanna) the particulars of the loss of the Flota, who sailed the 2d July last under the Command of Don Rodriguez de Torro as Admiral in a ship of 60 Guns, one ship of Warr of 60 Guns, built in the Havanna and Commanded by Capt Daniel O'Hony, Two other ships of 60 Guns each, Commanders unknown, 15 Merchant Ships a Snow bound to St Augustine, and a small Sloop; in all which were about 15 Millions of money ffr Registo, Cochineal, Indigo &c. unknown. That on the 4th day of July a very Violent Storm of Wind arose about N.E. which kept increasing and going against the Course of the Sun 'till at S.E. it proved a hurricane, in which this Depont. very hardly Escaped being about 35 Leagues

Leagues to the Westward of the Spanish Flota near the Tortugas bank in a Schooner bound to this Port, the manner of their working their Vessels in the storm is unknown, but that on the 11th of July as he was entring the Gulph, the Wind being Scant was obliged to Stand close in shore where on the Islands called (in General) the Martiers he saw three large Ships, and presently after it falling calm perceived a Launch with about 20 or 30 hands who very civilly accosted this Deponent Informed him they were part of the Spanish Flota cast away, that one of the Men of Warr Comanded by Capt. Ohony they believed was saved, all the rest being ashore except the Snow, which was saved amongst the Kegs; and in the End desired this Deponent to take in some of the passengers to the Havanna which accordingly he did and at his arrival was Immediately seized for the Service of the King, himself and people with his Cargoe of Skins turn'd a shore and he obliged to maintain his People almost five Weeks, which time they had kept his Vessel, and at the delivering up of her gave this Deponent only 1214 ps 8/8 and 5 Ryalls, the Mens wages only, amounting to near that sum without their Victuals hire of the Schooner or detriment of his Cargoe consider'd

but

but on his complaint, was told he had but two redem-edies Patience, or beating his head against the Wall.

This Deponᵗ further saith that hearing of some design the Spaniards had on Port Royal in this Pro-vince, he asked Mr Nicholson, what might be the truth of that Report who said such a thing had been debated of in Council but the want of a Pilot had put it off, for that time untill the next Barleventa fleet should arrive, which is generally in the Month of March or April

Jnº Colcock

Sworn before me this
17ᵗʰ day of Septʳ 1733.
Robtˢ Johnson

This is a true Copy of the Original
examined by me
J. Badenhop Clerk

B.P.R.O. A & W.I. Vol. 19. p. 56.

Charles Town the 18th Sept: 1733.

My Lord,

I send your Grace copys of the Affidavits of John Colcock and Edwd Mc Iver, taken on Oath before me, which I thought might be for His majestys Service to communite them to your Grace, having nothing else material to Impart. I remain with great respect

My Lord

your Graces

Most obedient and most humble Servant

Robt Johnson.

His Grace the Duke of Newcastle

B. P. R. O. South Carolina (B.T.) Vol 26. p. 45.

-Whitehall
-Oct. 18th 1733

To Nicholas Hutton. Esqr.

Sir.

The Copy of an Act passed in his Majesty's Province of South Carolina the 16th of March - 1695/6. Intituled An Act. to Ascertain the Prices of Land, the Forms of Conveyances & the manner of recovering Rents for Lands & y^e Prices of the sev^l Commodities the same may be paid in having been transmitted to my Lords Commissioners for Trade. I am Ordered in M^r Popples Absence to send you the inclosed Copy thereof, which may be of use to you, in forming y^e Draft of a new Bill you have Instructions to prepare, relating to y^e Quit-rents, and Titles of Land in that Province. And I am further Ordered to desire y^t y^e sd Draft may be dispatch'd as soon as possible since y^e Affairs of Carolina are much in Confusion for want of a proper Act being pass'd upon y^t Subject.

I am.

I am,
Sr
Your most humble Servt
Ric. Wheelock.

B. P. R. O. South Carolina B. T. vol.ᵐ
E 64

A copy of the Chief Justices protest against the Bill to prevent Suits &c in South Carolina

May it please your Excellency and you Gentlemen of His Majestys Council

The Bill now before us for the prevention of Suits and disturbance to His Majestys Judges and Magistrates in this province on account of the Habeas Corpus Law is so new and unusual that it obliged me to consider it in a double capacity. first as it hath reference to His Majestys prerogative next in respect to the Liberty and property of the Subject and first I conceive it to be His Majᵗʸˢ undoubted prerogative to enquire after the Lives and Liberties of all His Subjects. and the Laws of the Land have prescribed the Method by'ᵗ if after their Lives by his Coroners of whom the Chief Justice is first. if after their Liberty's by his Chancellor Chief Justices and Judges of either Bench and by a Law of this province by his Governor Chief Justice or two Justices by issuing his Majestys Writ of Habeas Corpus to any Officer or person whatsoever in whose custody the prisoner shall be detained commanding him to bring him with the cause of his commitment before them to examine for what cause he is confined that he may be either discharged bailed or remanded and I cant see any reason at this time to explain suspend. charge or alter the Habeas Corpus Act. calculated as well for the support of His Majestys prerogative as of the Rights and Liberties of a British Subject being the strongest barrier that the Wisdom of our Ancestors could devise to preserve the Liberties of the Subject and secure the people from Arbitrary violence and Oppression all which

by

by the late resolves of the Lower House of Assembly are denied. and the Laws made of no effect. and the contrary is ordained with an Indemnity to their Officer for so doing.

I am truly concerned that these Resolves and Ordinances should give me occasion to differ in opinion with this Board. but as it seem to me that there is an intent to support the Resolves and Ordinances of the Lower House so far as to pass an Act to screen those who have incurred penalties by disobeying the Laws of the Land and a Law of this province by taking upon them to make those Laws of none effect. by denying His Majestys prerogative and authority by which we act and by commanding his Chief Justice to supercede the writs of Habeas Corpus by him legally granted all which I conceive to be of dangerous consequence and tending to the subversion of the Ancient and Fundamental constitution. and these Resolves and ordinances be they of one or both houses are in my opinion unwarrantable and illegal and come within the Statute of 4t. 13d. Charles 4e. 2d. Wherein it is declared that all persons who shall declare or affirm that either or both Houses of Parliament have a Legislative power without the King shall incur the penalty of a premunire (which I hope none of us shall do) Yet this Bill now before us seems calculated to strengthen these Resolves and ordinances and save the Forfeitures already incurred by some who confiding in those Resolves have observed them as Laws at the Hazard of being guilty of an Offence of a high nature which I shall endeavour to avoid by dissenting to this Bill. first because it is repugnant and contrary to the Laws of Great Britain and is an act of Retrospection which takes away the private property of the Subject

without

without any Saving Clause. which I apprehend to be contrary to His Majestys Royal Instructions and his Commission to your Excellency and also for the Reasons aforementioned which I conceive sufficiently warrant me to enter my protest against passing this Bill and all others in Conjunction with the Lower House of Assembly who have made and ordained such ill Resolves and ordinances so contrary to the known Laws & destructive of the constitution. And I humbly request your Excellency that this my protest may be entered upon the Journals of this House. It being in my opinion of greater moment and consequence than is at present apprehended

Robert Wright
Ch Justice

(Inclosure)

South Carolina

A Copy of an Act for the prevention of Suits and disturbance to His Majestys Judges &c in South Carolina

referred to in in Mr Trewins Letter of 12 May 1733

Recd 23 October 1733
Read 20 August 1735

B P R O South Carolina B D vol:/
E 65

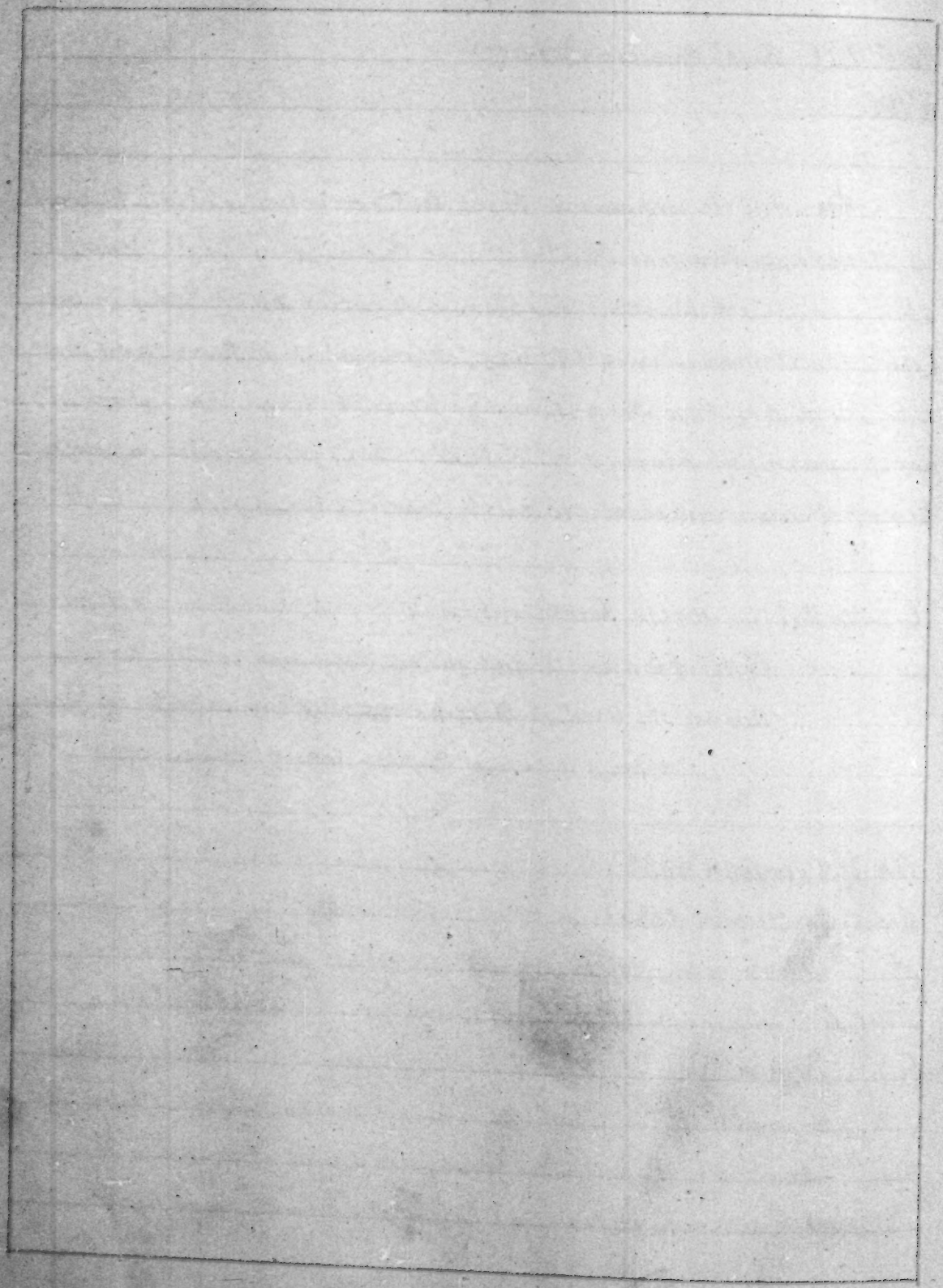
rec^d 23 Oct^r 1733

An Act to impower ye Right Hon^ble ye Governor of this province ye Lords deputies and Chief Justice or Justices of y^e peace and other officers or Ministers within this province to execute and put in free y^e same An Act made in y^e Kingdom of England in y^e Thirty first year of y^e Reign of y^e late King Charles y^e second Entituled An Act for y^e better securing y^e liberty of y^e Subject and for prevention of imprisonment beyond y^e seas commonly called the Habeas Corpus Act

(Endorsed) South Carolina

Copy of an Act passed in South Carolina in 1722 for introducing the English Habeas Corpus Act into that province
referred to in Mr Treurns Letter of 12 May 1733

Rec^d 23 October 1733
Read 20 August 1735



B. P. R. O. South Carolina B 2 vol.
E 66

rec.d 23 Oct. 1733

Order of the Commons House of Assembly for committing Mr. Cooper and others into custody and a copy of Mr. Coopers petition with the proceedings thereon in 1732/3

In the Commons House of Assembly Feb.y 9.th 1732/3

Ordered that John Brown Gentleman Messenger of this House do forthwith take into his Custody Job Rathmahler and Thos. Cooper Esqrs for aiding assisting and superintending the Deputy Surveyors in running out patent Lands and Lands already surveyed contrary to the Quit Rent Act. his Excellency the Governors Warrant and the Surveyor Generals precept. which practices tend to the creating litigious disputes and involving the Country in the utmost confusion

By Order of the house

Robt. Hume Speaker

To the Right Honble Paul Jenys Esq Speaker and to the Honble Members of the Commons House of Assembly

The humble petition of Thomas Cooper Esq

Sheweth That your petitioner having for a considerable time past been in the custody of Your Honors Messenger by virtue of an order of the Honorable house. Your petr. humbly takes leave to assure the Honble House that he never designedly did any Act Matter or thing whatsoever either to Infringe or lessen the privileges of the Honble House

House or in anyways to Contemn the Authority thereof. and therefore Your petitioner prays to be discharged

And your Pet.r shall ever pray &c.

Thos. Cooper

In the Commons House of Assembly Thursday 26th April 1733 AM Read a Third petition of Thomas Cooper Esq Setting forth that he never designedly did any act matter or thing whatsoever either to Infringe or to Contemn the Authority thereof and praying to be discharged out of custody of the Messenger of this House. and a debate arising thereon the Question was put whether the said Thomas Cooper shall be sent for to the Bar of this House and discharged paying the Fees

Carried in the Negative

And then the said petition was committed to the following Committee Vizt. Capt.n Bond. Mr. Pinckney Mr. Beale Col. Prioleau and Mr. Saunders On their Report he was the next day. Ordered to be discharged paying the Fees

Rec.d 23 October 1733
Read 20 Aug.t 1735

B.P.R.O. South Carolina B. T. vol.
E 67

Numb 65

The South-Carolina Gazette

Containing the freshest Advices Foreign and Domestick
From Saturday April 7th to Saturday April 14 1733

The South-Carolina Gazette

Numb 66

Containing the freshest Advices Foreign and Domestick
From Saturday April 14th to Saturday April 21 1733

The South-Carolina Gazette

Numb 67

Containing the freshest Advices Foreign and Domestick
From Saturday April 21st to Saturday April 28th 1733

The South-Carolina Gazette

Numb 68

Containing the freshest Advices Foreign and Domestick
From Saturday April 28th to Saturday May 5th 1733

The South-Carolina Gazette

Numb 69

Containing the freshest Advices Foreign and Domestick
From Saturday May 5th to Saturday May 12th 1733

Rec.d 23 October 1733
Read 20 Aug.t 1735

NB. These are all printed Gazettes which I did not think it necessary to have copied. B.M.S.

B. P. R. O. a + W. I. Vol. 19. p. 59.

Charles Town y^e 22^d Nov. 1733

My Lord,

I have received his Maj^ty's Order for appointing Mr Joseph Fox Naval Officer of this Province, and in Obedience thereto have signed a Commission to appoint him to that office.

I have likewise received His Maj^ty's Sign Manual dated the 20^th of July last, relating to Fort Purry, and the Inhabitants of Purisburg, which I shall take the best care to observe, pursuant to his Maj^ty's Intentions. I am with great respect

My Lord

your Graces most humble and most Obedient Serv^t

Robt Johnson

His Grace the Duke of Newcastle

B.P.R.O. South Carolina B.T. Vol 5

D 63

3 Dec.r 1733

To the Right Honorable

The Lords Comm.rs for Trade & Plantat.ns

My Lords

Some time ago His Majesty sent from the Tower, Ordnance for the defence of Charles Town. I believe my information may be depended upon which says "that they lye upon the Beach without Carriages exposed to the weather and sand: and if some care is not taken they will certainly be Honeycombed and spoiled Sam

My Lords

Your Lordships most obedient and most

humble Servant

Tho. Lowndes

Rec.d 3} December 1733
Read 11}

B. P. R. O. South Carolina (B.T.) Vol. 26. p. 76.

Whitehall.

Decr 4th 1733.

To his Grace the Duke of Newcastle

My Lord,

Having lately received from Mr Johnson his Majesty's Governor of South Carolina, two Affidavits made before him, relating to the Loss of the Spanish Flota in Ye Gulph of Florida in July last; We take Leave to send Yor Grace inclosed Copies thereof for Yor Information.

We are.

My Lord.

Yor Graces

Most Obedient & humble Sevts

P. Docminique.

A. Croft.

M. Bladen.

B.P.R.O. South Carolina B.T. vol 5

Q. 62

rec.d 4 Dec 1733

To the Right Honorable the Lords Commissioners of Trade and Plantations

The humble petition of John Beresford of South Carolina Esq but now in London

Sheweth That Richard Beresford Esq your petitioners late Father deceased by his last Will and Testament duly executed and bearing date in May One thousand seven hundred and fifteen devised and bequeathed to your petitioner his heirs and Executors all his lands tenements Goods and Chattels in South Carolina or elsewhere (except what is in the said Will otherwise devised) when he should attain Twenty one and gave proper directions for your petitioners education in the meantime

That after your petitioners said Fathers death and during your petit.rs Infancy on the petition of Richard Beresford then an Infant of but three years old your petitioners younger brother of the half Blood

The General Assembly of South Carolina in One thousand seven hundred and twenty three passed an Act Entituled An Act for settling the Estate of Richard Beresford Esq deceased whereby they have taken upon themselves to overturn and destroy the Will of Your petitioners said Father and in contradict.n thereto to give one Moiety of the said Lands Tenements Goods and Chattels so devised to your petitioner by his said Fathers Will to your petitioners said younger Brother of the half Blood and to make them joint tenants thereof

That this Act was transmitted to Your Lordships several years since but

but your Petitioner not having attained his Age of Twenty one Years till wc within these three weeks past was not of legal ability to oppose the same But he being now of age and intending to sail for Carolina with the next ships to take possession of his said Estates he is advised that it will be absolutely necessary for him to have the said Act repealed before his departure and which Your Petitioner humbly hopes he shall meet with no difficulty in obtaining In regard the Act on the Face of it is an unjust and plain invasion of your Petitioners property against the most known positive Rules of Law and in regard there is no saving Clause inserted therein

Your Petitioner therefore most humbly prays your Lordships to appoint a short day for taking the said Act into your speedy consideration and that you will be pleased to report the same as proper to receive His Majestys Royal disallowance and repeal And Your Petitioner shall pray

Rec^{d} } 4 Dec 1733
Read }

B. P. R. O. South Caroliria (B.T.) Vol. 26. p. 44.

Whitehall
Dec.r 4th 1733.

To. Francis Jane. Esq.

Sir,

My Lords Commissioners for Trade and Plantations, Command me to send you the inclosed Volume of Acts passed in South Caroliria, from 1721, to 1724, and to desire Yo.r Opinion in point of Law, as soon as conveniently may be, upon the Act passed in February 1723/4. Nr. 53. Entitled An Act for Settling the Estate of Richd Berresford. Esq. Deceased. I am,

S.r

Yo.r most humble Sero.t

Alured Popple.

B P R O South Carolina B T vol 5

D. 66 At the Council Chamber at Whitehall 6 Dec^r 1733

By the Right Hon^ble the Lords of the Committee of Council for plantat^n affairs

His Majesty having been pleased to refer unto this Committee the humble petition of several Merchants and others of the City of London trading to his Majestys province of South Carolina complaining of an Act past in that province on the 20th of August 1731 Entituled an Act for appropriating the sum of one hundred and four thousand and seven hundred and twenty five pounds one shilling and three pence farthing towards payment of the publick debts and humbly praying for the Reasons contained in the said petition that they may be heard by their Counsel against the said Act and that the same may be repealed. The Lords of the Committee this day took the same into their consideration and are hereby pleased to refer the said petition (a copy whereof is hereunto annexed) to the Lords Commissioners for Trade and plantations to consider thereof and Report their Opinion thereupon to this Committee

Temple Stanyan

(Inclosure)

(Inclosure) To the Kings Most Excellent Majesty in Council

The humble petition of several Merchants and others of the City of London trading to Your Majestys Province of So. Carolina

Sheweth That an Act of the General Assembly of your Majestys said Province entitled an Act for Appropriating the sum of One hundred and four thousand Seven hundred and twenty five pounds one shilling and three pence farthing towards payment of the Public Debts was passed with the assent of his Excell.y Robert Johnson Esq. Your Majestys present Governor of the said Province on the 20th day of August Anno Dom. 1731 Which Act was since transmitted under the Broad Seal of the said Province unto Your Majestys Commiss.rs for Trade and Plantations

That by virtue of the said Act the Funds which were settled for calling in and Sinking the Paper Bills of Credit formerly issued in the said Province (being one hundred and six thousand pounds) are diverted and misapplied and a further sum of one hundred and four thousand pounds and upwards of Paper Credit is imposed on Your Majestys Subj.s contrary to the Public Faith and credit of the said Province and an attempt hath been likewise lately made to raise a further sum of two hundred and fifty thousand pounds in paper credit all which tend to the Great detriment of Trade and are highly injurious to the property of your Majestys British Subjects and expressly repugnant to several of your Majestys Instructions to your Governors there Your petitioners humbly beg leave further to lay before your Majesty that by the said Act an exorbitant duty of ten pounds per head is imposed and continued on Negroes imported into the said Province by Your Maj.ty

British

British Subjects to the great damage of the Manufactures and Trade of this Kingdom.

Wherefore your petitioners most humbly beseech that your Majesty would be graciously pleased to allow your petitioners to be heard by their Counsel against the said Act and that the said Act may be repealed and that no duties may be imposed for the future on any Negros imported into the said province and that your petitioners may have such further and other relief in the premises as to Your Majesty in your great Wisdom and goodness shall seem meet

And your petitioners will ever pray

Chas Pole. Hen. Neale. Nath.l Harris. Solomon Mercier. Edm.d Beckham. John Blagrave. John Taverner. Will.m Hodshon. Benj.a Bell. Wm Scrivin. Jno Watkinson. Edwin Somers. Nath.l Paice. Dan.l Green. Rob.t Thorpe. Thos Herbert. Ric.d Shubrick. Thos Trinder. John Govan. Wm Cam. Wm Withers. P. Benoviere. Thom. Forster. James Maintru. Sam.l Baker. Walter Newbury. Jacob Bell. Rich.d Acland. Benj.a Whitaker. Wm Parkin. Robert Hume. Wm Vaughan. Edward Sanderson. Ste.n Gedin. John Forster. Wm Pomery. David Mein. Wm Chapman. Peter Simond. David Godin. Wm Black. Henry McCulloh. Jno Austin. Thos Smith. Sam.l Wood. Sam.l Bonham. Benj.a Neale. Sam.l Baron. Samuel Dean. John Hewlett. John Bleydestyn.

Rec.d 14th
Read 18th } Dec. 1733

B P R O. South Carolina B.T. Vol 6 E2.

(1st December 1733)

At the Council Chamber Whitehall
the 1st of December 1733
By the Right Honble the Lords of the
Committee of Council for Plantation Affairs

His Majesty having been pleased to refer unto this Committee the humble Petition of Thomas Cooper Esqr James Greene and Rowland Vaughan of South Carolina Gentlemen complaining amongst other things of An Act past in the Said Province Entituled 'An Act for prevention of Suits and Disturbances to 'His Majestys Judges and Majistrates in this Province on 'Account of the Habeas Corpus Act', and humbly praying for the reasons contained in the said Petition to be heard by their Counsel Against the Said Act and that the Same may be repealed - The Lords of the Committee this day took the Same into their Consid eration and are hereby pleased to refer the said Petition (a Copy whereof is hereunto Annexed) to the Lords Commissioners for Trade and Plantations to Consider such parts thereof as relate to the said Act and Report their Opinion upon the Said Act to this Committee

Temple Stanyan

(Enclosure)

To The Kings most Excellent Majesty in Council
The humble Petition of Thomas Cooper Esq.
James Greeme and Rowland Vaughan of
South Carolina Gentlemen.

Sheweth

That diverse of Yo. Majestys Subjects being willing and desirous to settle themselves on the Frontiers of Yo. Majestys Dominions in the Province of South Carolina on such Lands as became vested in Yo. Majesty by the Surrender of Seven of the late Lords Proprietors of the said Province and which hither to have laid vacant and uncultivated Did in pursuance of Yo. Majestys Royal Instructions issued to the Governor of the said Province on or about the month of December last past obtain from the said Governor Severall Warrants directed to Yo. Majestys Surveyor General requiring him to lay out and admeasure the severall Quantitys of Land in the said Warrants respectively mentioned to the end that Yo. Majestys said Subjects might obtain Grants for such Lands upon such Conditions of Cultivation and under such other limitations and restrictions and at such Quit Rents as Yo. Majesty by Yo. said Instructions has been pleased

to

to order and appoint.

That Yor Majestys said Subjects by Vertue of the afresaid Warrants procured severall parcells of unculturated Lands belonging to Yor Majesty to be laid out and admeasured and had Plats and Descriptions of the same duly made and certifyed by yr Majestys Surveyor Generall according to the method and Practice used in the said Province

That soon after the Surveying the aforesd Lands the lower House of Assembly of the said Province through the Instigation & inticement of Robert Johnson Esq. Yor Majestys present Governor of the said Province on the third day of February last past issued one or more Warrants or Orders of Commitment commanding the Messenger of the said lower House of Assembly to take into his Custody James Ferguson Robert Godfry William Staples and William Mc Pherson Deputys to James St John Esq. Yor Majestys Surveyor General for running out Patent Lands and Lands formerly Surveyed contrary to Law his Excellency the Governors Warrant and the Surveyor Generals Precept and the said lower House of Assembly on the tenth day of the same month of February issued another Warrant or Order Commanding the Messenger of the

said

said House to take in his Custody Yo? Petitioner Thomas Cooper and one Job Rochmaker Esq? for aiding assisting and Superintending the Deputy Surveyors in running out Patent Lands and Lands already Surveyed contrary to the Last rent Act his Excellency the Governors Warrant and the Surveyr Generals Precept

That the Lands Admeasured and laid out by the Deputy Surveyors in the said Warrants or Orders of Commitment, mentioned were Lands belonging to Yo? Majesty Vacant and uncultivated and never had been before laid out or surveyed for any person whatsoever by virtue of any lawfull Authority derived either from Yo? Majesty or the late Lords Proprietors of the said Province.

That the aforesaid Warrants or Orders of Commitment were issued by the said lower House of Assembly with a View & Intention to Intimidate Yo? Majestys Surveyr General and his lawfull Deputys from doing their Duty in finding out and Surveying and all other persons whatsoever from making discovery of such of Yo? Majestys Lands as had been privately and fraudently Surveyed and concealed from Yo? Majesty under Colour and pretence of old Patents Granted to the Ancestors of Your Majestys said

Governour

Governor and other persons who had been formerly created Landgraves or Cassiques of the said Province which Patents were either Originally void in Law or were become void by reason of their not having been carried into Execution in the life time of the Originall Grantees but have lately been set up to the prejudice of Ys Majestys Title by the Heirs Descendants or Assigns of the Originall Patentees. And the said Warrants or Orders of Commitment were issued with the further view of hindring the Claims and pretended Titles set up under Colour of the said Patents from undergoing a Judicial Examination in Ys Majestys Courts of Justice established in the said Province where such matters are properly Cognizable and determinable

That Your Petitioner Thomas Cooper on the Twenty Second day of March last past was taken into the Custody of the aforesaid Messenger of the said Lower House of Assembly by virtue of the aforesaid Warrant or Order Issued against him.

That the said Lower House of Assembly at the time when Ys Petitioner Thomas Cooper was taken into Custody was Adjourned for the Space of Seventeen days and was not to reassemble until ten days after the

the aforesaid Twenty Second day of march.

That during the confinement of Yr Petitioner Thomas Cooper he advised with Yr Petitioner James Greene as his Counsel at Law and the said James Greene at the request of Yr Petitioner the said Thomas Cooper Sued out on his behalf Yr Majtys Writt of Habeas Corpus grounded on the Statute Returnable Immediately to the end that the cause of the Imprisonment of Yr Petitioner Thomas Cooper might be legally Examined forasmuch as Yr Petitioner the said Thomas Cooper by the said Warrant or Order of Committment was not charged or supposed to be guilty of any breach of Priviledge contempt or other Offence whatsoever against the said lower House of Assembly or of any Crime for which by the Laws of the Land he ought to have been deprived of his liberty.

That the said Writt of Habeas Corpus having been only Issued according to the Laws of the said Province was during the aforesaid Adjournment of the Assembly delivered to their Messenger who refused to Obey the said Writt or make any Return pursuant to the Commandment thereof.

That no Return being made of the said Writt

of

of Habeas Corpus within three days after the Delivery thereof Yr Petitioner James Greene sued out of Yr Majestys Court of Common Pleas in the said Province the usual and lawfull Original process against the said Messenger in an action brought on the penalty of the Statute for the said Messengers refusal to make due Return of the aforesaid Writt of Habeas Corpus.

That during the aforesaid Adjournment of the Assembly the said process sued out against the said Messenger at the suit of Yr Petitioner Thomas Cooper was Delivered by Yr Petitioner James Greene to the Provost Marshall of the said Province (who is the proper and only officer appointed for the Execution of the said process but the said process was never served or Executed upon the said Messenger.

That the said lower House of Assembly afterwards on the fifth day of April last past being reassembled. Issued another Warrant or Order of Commitment commanding the said Messenger to take into his Custody Your Petitioner James Greene for filing up and Signing the aforesaid process against the said Messenger and for Delivering the same

same to the Provost Marshall to be Executed that the said Messenger took Yr. Petitioner James Greene into Custody by virtue of the last mentioned Order of Commitment and Yr. Petitioner thereupon immediately preferred a Petition to the lower House of Assembly in a very humble and Submissive manner for his Enlargement and Discharge and Yr. Petitioner Thomas Cooper at the same time and in like humble and Submissive manner Petitioned the said lower House of Assembly for his Discharge but both their said Petitions were rejected.

That Yr. Petitioner James Greene not being able to Obtain his Liberty by his humble Petition to the lower House of Assembly he Obtained from Yr. Majestys Chief Justice of the said Province Yr. Majestys Writt of Habeas Corpus directed to the said Messenger in whose Custody Yr. Petitioner was which Writt was delivered to the said Messenger by Yr. Majestys other Petitioner Rowland Vaughan for which he was likewise by order of the said lower House of Assembly Committed to the Custody of their Messenger and thereupon Resolutions were made and passed by the said House That the said Messenger should Yeild no Obedience to any Writt of

Habeas

Habeas Corpus for any Person that was Committed by Order of the said House.

That Yr Petitioners having undergone a tedious and close Confinement and having made frequent applications for Writts of Habeas Corpus to Several of the Magistrates who by the Laws of the said Province are impowered and required to grant the said Writts and having lastly applied to Yr Majestys Governour who by the Laws of the said Province is also obliged and by Yr Majestys Royal Instructions is Strictly enjoyned to take care of the due Execution of the Laws and that Writts of Habeas Corpus be not denyed and Your Petitioners having been denyed the said Writts by Your Majestys said Governor and Magistrates they were at last Obliged to Petition the said lower House of Assembly in such Terms as they thought fitt to direct for their enlargement and then with difficulty Yr Petitioners were Discharged on payment of Exorbitant Fees amounting to upwards of Three hundred pounds besides the Damage they sustained in their several Callings and Professions

That in order further to distress Yr Petitioners and to debar them from pursuing their Just and legal

legal Remedys against the Several Officers and Ministers in the said Province by whom Yr. Petitioners have been injured and to Screen and Shelter the said Officers and Ministers from the Penaltys which they have incurred by refusing to put in Execution the Laws made for the preservation of the Liberty of Yr. Majestys Subjects as well as for maintaining Yr. Majestys Royal Prerogative in Yr remote Dominions. The General Assembly of the said Province have passed An Act of unusual and extraordinary Nature Intituled An Act for prevention of Suits & disturbances to His Majestys Judges and Magistrates in this Province on account of the Habeas Corpus Act To which Act although it is expressly contrary to several of Yr. Majestys Royal Instructions Your Majestys present Governor hath thought fitt to give his Assent As by the said Act duely Exemplified under the Great Seale of the said Province now ready to be produced by Yr. Petitioners more fully and at large appears.

That the aforesaid proceedings of the General Assembly of the said Province were calculated and designed not only to deter Yr. Majestys Officers from Surveying such of Yr. Majestys Lands as have been fraudulently concealed from Yr. Majesty under colour of

of the aforesaid Patents but by a way unpresident ed and unknown to the English Constitution to Assume to themselves an Independent & uncontroulable power and Jurisdiction to determine Yr: Majestys Rights and to prevent Yr: Majestys Subjects from pursuing their legal remedys in Yr: ordinary Courts of Justice or by appealing from them to Yr: most Sacred Majesty and to Wrest out of Yr: Majestys Royal Hands Your undoubted Prerogative of Administring Justice to all Yr: Subjects by Yr: Majestys Judges and other Magistrates according to the known and Established laws of the Land

Wherefore Your Petitioners most humbly beseech Yr: Majesty to allow them to be heard by their Counsel against the said Act of the General Assembly and that the said Act may be repealed And that Yr: Majesty will be graciously pleased to grant unto Yr: Petitioners such further and other relief in the Premisses as to Yr: Majesty in Yr: great Wisdom and goodness shall think fitt

And Yr: Petitioners as in Duty bound shall ever Pray &c

Read Read } Jan.y 9. 723/4

Benj.a Whitaker
Rob.t Hulme } Attorneys for the Petitioners

B P R O South Carolina B T vol 5

264 At the Council Chamber Whitehall 6 Dec.r 1733

By the Right Hon.ble the Lords of Committee of Council for plantat.n Affairs

His Majesty having pleased to refer unto this Committee the humble petition of several Merchants and others of the City of Bristol trading to his Majestys province of South Carolina, complaining of two Acts past in that province the one on the 5th december 1696 for preventing persons being arrested for any Debt contracted before their arrival there, till and after the expiration of five years from such their arrival in the said Province and the other on the 20th of August 1731 whereby the Funds which were settled for calling in and sinking the one hundred and six thousand pounds paper Money are otherwise applied and a further sum of one hundred and four thousand seven hundred and twenty five pounds one shilling and three pence farthing of paper Credit is imposed on his Majestys Subjects, And by which Act an exorbitant duty of Ten pounds p.r head is imposed and continued on all Negroes imported by his Majestys Subjects into the said province, and therefore humbly praying that they may be heard by their Counsel against the said Acts and that the same may be repealed. The Lords of the Committee this day took the same into their consideration and are hereby pleased to refer the said petition (a copy whereof is hereunto annexed) to the Lords Commissioners for Trade and plantations to consider thereof and Report their opinion thereupon to this Committee

Temple Stanyan

Inclosure

(Inclosure)

To the Kings most Excellent Majesty in Council

The humble petition of several Merchants and others of the City of Bristol trading to your Majestys province of South Carolina

Sheweth That by an Act of the General Assembly of your Majestys said province ratified the 20th of August 1731 and sent over for your Majestys approbation the Funds (which were settled for calling in and sinking one hundred and six thousand pounds paper Money formerly issued in the said province) are otherwise applied and a further sum of one hundred and four thousand seven hundred and twenty five pounds one shilling and three pence farthing of paper Credit is imposed on Your Majestys Subjects contrary to the public faith and Credit of the said province and there has been an attempt lately to raise a further sum of £250000 in paper Money the consequence of all such imaginary value will be greatly prejudicial to the property of your Majestys subjects and as we most humbly conceive contrary to your Majestys Royal Instructions to the Governor of that province That by the said Act an Exorbitant duty of Ten pounds p head is imposed and continued on all Negroes imported by your Majestys Subjects into the said province to the very great discouragement of the Trade and Exportation of the Manufactures of Great Britain

That by another Act of the said province ratified in open Assembly of the 5th December 1696 and continued by subsequent Acts It was enacted

That

"That no person residing therein shall be arrested sued or impleaded in any "Court or Imprisoned for any debt wither the be by Bill Bond or any other "specially Reckoning or Accompt whatsoever contracted before his arrival "there till and after five years after his arrival there" which said Act has "given Encouragement to Evil persons to go to the said Colony from other of Your Majestys and thereby have defrauded some of your petitioners of large sums of Money which they had entrusted them with in the other Colonys it being not in their power to seize either their persons or effects so screened under this five Years Law though they live in Great splendor and affluence on the property of their Creditors

Your petitioners therefor most humbly request your Majesty to take the premises into Your royal consideration to repeal those two laws and to prevent any duty on Negroes imported as pernicious to the British Trade and that they may be heard by their Counsel or to grant such other relief as in your Great Wisdom shall seem most proper

And your petitioners as in duty bound shall ever pray &c

John Mackenzie Thos Thompson Christo Devonshire Richd Farr Jas Milhouse Rd Farr Jr Christo Curwen Thos Gibbs Jno Tate Graffen Prankard Recd Jefferis P. Fisher Isaac Hobhouse Robt Rogers Wallr Hawksworth Edmd Sanders Abel Grant Thos Jenys Corsley Rogers John Teague Samr Allen Davd Moore Philip Cornish Jno Coombe John Gilbert Edwd Heylin Wm Mathew Francis Campion Richd Spencer Jacob Elton Mayor Jos Jefferis Thos Croker Harr Lloyd Geo Mc Kenzie Thos Evans J. Brickdale Hm Barnsdale Henry Lloyd B. Meekes Jno King. Jno Stapylton

Recd
Read } 18 decr 1733

B P R O South Carolina B T Vol 6 61

(8th December 1739)

Bristol Ss

Joseph Jeffries and William Jeffries of this City Merchants, personally appear'd before me Jacob Elton Esq Mayor of the Said City and did on their Oaths Severally declare as follows. That they have greatly Suffer'd by the Duty of Ten pounds Carolina Money p head on Negroes, and the increase in the paper money there, so that thereby they are very much discouraged in carrying on their Trade to that Province of South Carolina; for they not only trust the Buyer with this duty but he has it in his power & is frequently made use off when goods are sold the Buyers for this paper money, to take of it up at interest & pay the Seller rather than pay the produce of the Colony at ye common price; thereby to inhance the price of the produce according to the necessity of Factors to load the Ships consign'd them; by wch it follows that those persons who have Sold on Credit long since when the produce was much lower are to receive it at a higher price — These Deponents further Say that James Hasel late of the Barbadoes (who with his partner Isaac Crumpe owes

6

to these Deponents & others Owners of a Ship above four thousand pounds Barbados money on Bond for the produce of Negroes by them Sold) arrivd not long Since at South Carolina and brought with him from thence considerable Effects, but that by means of the five Years Act, Their Factors have been prevented from Seizing the same And that as the said Crumpe hides from his Creditors in Barbados, These Deponents are with others like to be great Sufferers thereby

Jos Jefferis
Will Jefferis

Sworn to before me this Eighth day of December one thousand Seven hundred Thirty and three

Jacob Ellon Mayor

Read
Read } January 9. 1733/4

read from Mr Hood

B P R O South Carolina B.T Vol 6 E 2

20th December 1729

At the Court at St James's
the 20th day of December 1729
Present
The Kings most Excellent Majesty in Council

Upon reading this day at the Board the humble Petition of Colonel Samuel Horsey, Setting forth - that on the 21st of December 1726, the late Lords - Proprietors of Carolina Signed a Warrant to make him a Landgrave of the said Province and to Grant him four Baronys or forty Eight thousand Acres of Land, which were to be annexed to the said Honour of Landgrave — But that the Petitioner being at that time concerned in procuring a Surrender to His Majesty of the said Province from the said late Lords Proprietors, He did not attempt to take up the said Lands, being willing to avoid any thing which might give the least Obstruction to the compleating the said Surrender. And chose rather to depend on His Majestys Goodness for the same, when His Majesty should be in full possession of that Province. The Petitioner therefore prays, in regard to his good Services and great trouble in Soliciting and perfecting the said Surrender

for

for which he hath never had any Consideration that His Majesty will be pleased to Direct that a Grant may be made to him of the Lands contained in the Warrant so Signed by the late Lords Proprietors, That he may be enabled to pursue his Intention of making a Settlement in that Province – It is Ordered by His Majestys Council, that the said Petition (a Copy whereof is hereunto annexed) Be and it is hereby Referred to the Lords Commissioners for Trade and Plantations to examine into the same and Report their Opinion thereupon to His Majesty at this Board

Temple Stanyan

(Enclosure)

To the Kings most Excellent Majesty in Council

The Petition of Col: Samuel Horsey.

Humbly Sheweth

That your Petitioner was principally concerned in procuring the Surrender of the Province of Carolina from the Late Lords Proprietors to Yr. Majesty as will appear by the Testimony of those who transacted that Affair, and he was appointed as Trustee in the Act of Parliament for executing the Same.

That on the 21st of December 1721 the Late

Lords

Lords Proprietors of Carolina signed a Warrant to make him a Landgrave of the said Province and to Grant him Four Baronies or forty eight Thousand Acres of Land which were to be annexed to the said Honour of Landgrave of the said Province

That by the Act of Parliament for conveying the said Province to Your Majesty a Clause was inserted confirming all Legall Grants which had been made before that time

That while the Surrender of the said Province was carrying on, an enquiry was made by the Committee of Your Majestys most Honble Privy Council to whom that affair was referred, what Land had been granted by the Late Lords Proprietors to themselves or any other Persons - In Answer to which the Lords Proprietors did among severall others return this grant made to Yr Petr and mentioned it as not yet taken up by reason of the unsettled State of the Province

That Your Petitioner did not attempt to take it up or insist upon it while he was concerned in the Treaty because he would avoid doing anything which might give the least Obstruction to the Proprietors Surrender, choosing rather to Depend upon Your Majestys Goodness when Your Majesty should be in full

possession

possession of the Province

That he was at Considerable Trouble and Expence in Solliciting and attending the Settlement of this Affair and in the Execution of the same for which he never had any Consideration allowed him.

Your Petitioner therefore most humbly prays Yr Majesty that Your Majesty will be graciously pleased to take into Yr Royal Consideration His services in Solliciting And perfecting the Treaty for Conveying the Province of Carolina from the late Lords Proprietors to Yr Majesty with the Particular circumstances of his case and that Yr Majesty will direct that a Grant may be made to him of the Lands in the Warrants Signed by the Late Lords Proprietors in such manner as your Majesty in Your Great Wisdom shall think fit that he may be enabled to pursue his intention of making a Settlement in the said Province

Saml Horsey

Recd
Read } Janry 15th 1723/4

B.P.R.O. Journals B.T. Vol 41

Whitehall Wednesday 9 Jan.y 1731

At a Meeting of His Majesty's Commissioners for Trade and Plantations

Present

Mr. Docminique Mr. Bladen Sir Archer Croft

Sir Wm. Chapman Mr. Bragg Mr. Harris and several other Merchants trading to South Carolina attending as they had been desired with Mr. Paxton the Solicitor as also Mr. Wood in behalf of the Merchants of Bristol. and Mr. Hume late Speaker of the Assembly of that province against two Act passed there Entitled "An Act for appropriating the sum of £1014. 7.5. 1. 3/4 towards the payment of the Publick Debts" passed in 1731 and "An Act for the better Encouragement of the Settlement of South Carolina" passed in 1696 And Mr. Bury Agent for the province with Mr. Yonge one of the Council there attending likewise with Mr. Sharpe their Solicitor in behalf of the said Laws their Lordships took again into consideration the two Orders of the Committee read the 18th of the last Month referring to this Board the Petitions of the Merchants of London and Bristol against some Acts of South Carolina for continuing Duties on Negroes. Issuing of paper Money and protecting of Debtors. Their Lordships then heard what the Merchants and Mr. Hume had to offer against the first of these Laws for appropriating the sum of £1014 7.5. 1. 3/4 &c as being contrary to His Majesty's Instructions to his Governor of South Carolina not only on account of the duties on Negros thereby continued but as the Fund for sinking y.e paper Currency of that province was applied to different purposes than those appointed by His Majty's Instructions

As

1734 -
January to July

As to the Act of 1696 for the better encouragement of the Settlement of South Carolina they said that it might have been of service at the first settlement of the province by encouraging people to go thither But as it was now attended with ill consequences by depriving the Merchants of Great Britain and others of an opportunity of recovering their just debts they hoped the Board would lay this act before His Majesty to be repealed. Mr Wood then presents to the Board An affidavit of two Bristol Merchants proving the Mischiefs attending the trade to Carolina by y^e acts for screening Debtors and laying duties on Negros Imported there which was read And their Lordships resolved to hear what the Agent had to offer in behalf of these Acts tomorrow morning

Order of the Committee of Council of 6^th dec 1733 referring to this Board An Act passed in South Carolina "for preventing Suits and disturbances to the Judges &c on Act of the Habeas Corpus Act" was read and their Lordships ordered the said Act to be sent to Mr Jane for his opinion thereon in point of Law as soon as conveniently may be

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10 January 1734

The Carolina Merchants who attended yesterday with Mr Wood Mr Paxton and Mr Hume attending again as also Mr Yonge Mr Bury Agent for the province and Mr Sharpe their Solicitor Their Lord^ps heard what they had to offer in support of the said Laws by representing that the duty on Negroes complained of by the Merchants as contrary to the Governors Instructions was rather allowed by the Gov^rs Instructions than contrary thereto His Majesty having thereby allowed the duties which were to

and

sink the Paper Currency of this Province to be suspended from that purpose for seven years and to be applied to other uses That the whole sinking Fund of which the duty on Negroes was part had not been applied according to the Letter of the Instructions there had not been a demand for it but as y^e^ remainder was appropriated to the Payment of the Province Debts & as the Merchants were the Chief Creditors they seemed to have the least reason to complain As to the Act of 1696 for the better Settlement of South Carolina M^r^ Sharpe observed that as the Occasion for it was not at present so great as when the Act was first passed he had little to object to what the Merchants had asked But as to the Appropriation Law he hoped their Lord^ps^ would not propose the same to be repealed from the Confusion it might put the Province in it having been in force almost three years and so far taken effect

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15 January 1734

Col Horsey attending presented to the Board an Order of Council of 20^th^ December 1733 referring to their Lord^ps^ his Petition for 48000 Acres of Land in South Carolina designed him by the late Lords Proprietors which being read their Lord^ps^ resolved to consider further thereof at another opportunity

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23^rd^ January 1734

Col Horsey attending with M^r^ Shelton Secretary to the late Lords Proprietors of Carolina he presented to the Board a Warrant signed by

by the said Lords proprietors for granting to him 48000 Acres of land in that province. which being read he left a copy thereof He Likewise presented to the Board the Copy of an Order in Council directing the said Lords proprietors to lay before the Council a list of such Grants of Land as they had made to themselves or others as also the return of the said Lords proprietors to the Council in which Col. Horseys Warrant is particularly specified which papers were read and their Lordships told Col Horsey that altho the Quit Rent reserved by his Warrant was but ten shillings for every thousand Acres. the Quit Rent reserved by His Majesty since his purchase of that province was Four shillings proclamation Money for every hundred Acres upon which Col Horsey said that he was willing to submit to the said Quit Rent in hopes His Majesty might make him some further consideration for his services in perfecting the Agreement with the late proprietors for y^e^ purchase of y^e^ said province Their Lord^ps^ then desired Col Horsey to put in writing what he had to offer upon this subject which he promised to do accordingly

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21st January 1734

Their Lord^ps^ taking again into consideration the orders of the Committee mentioned in the Minutes of the 9th Instant upon the petitions of the Merchants of London and Bristol against some Acts of South Carolina protecting Debtors Issuing and Appropriating paper money Laying duties on Negroes &c and gave directions for preparing the Draft of a Representation for Repealing the Act passed there in 1731

for

for Appropriating the sum of £104 7/25. 1. 3¼ towards payment of the public Debts

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25 January 17/31

Mr. Hume late Speaker in ye Assembly of South Carolina and sev.l Merchants trading to that province attending as also Mr. Jury Agent to the said province with Mr. Yonge one of the Council there and Mr. Sharpe their Solicitor Their Lord.ps took again into consideration the order of the Committe of Council referring to this Board the 'Act for preventing Suits and Disturbances to the Judges &c. on account of the 'Habeas Corpus Act' read the 9.th inst. as also Mr. Jane's report upon the said Act read the 22.d inst. and read a Letter from Col Johnson dated the 4.th of May last relating thereto And after having heard what these gentlemen had to offer for and against the said Act gave directions for preparing a Draft of a Report for repealing the same

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31 January 17/31

A Memorial from Col Horsey praying a favorable Report to His Majesty in his behalf with regard to his claim of 48000 Acres of Land in South Carolina was read and their Lord.ps taking again into consideration his petition mentioned in the Minutes of the 15.th instant and gave directions for preparing a Draught of a Report thereupon

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6.th Feb.

6 February 1734

The Representation ordered to be prepared the 24th of the last month for Repealing an act passed in South Carolina in 1696. "for the Encouragement of the better Settlement of South Carolina" & postponing their Report upon one passed there in 1731 for Appropriating £10475. 1. 3¼ was signed

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12 February 1734

The Representation ordered to be prepared the 31st of the last month upon a Memorial and petition of Col Horsey with regard to his claim of 48000 Acres of land in South Carolina was agreed

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14th February 1734

Their Lordships took into consideration the Draft of a Representation ordered to be prepared ye 24th of last month for Repealing the Act passed in South Carolina "For preventing Suits and disturbances to the Judges on account of the Habeas Corpus Act" and the same was agreed

The Secretary acquainting ye Board that Mr Scrope in behalf of the Bristol Merchants had desired their Lordships would please to consider An Act passed in South Carolina "to prevent any delay of Justice that may be occasioned by not drawing the Juries which are to serve at the next ensuing Court of Common pleas &c" passed in 1731/2 and their Lordships gave directions for sending the said Act to Mr Paine for his opinion thereupon in point of Law

. . . . . 15 Feb

15 February 1734

The Representation for Repealing the Act passed in South Carolina 'for preventing Suits and Disturbances to the Judges on account of the 'Habeas Corpus Act' agreed at the last meeting was signed

The Representation in favour of Col Horseys claim of 48000 Acres of Land in South Carolina agreed the 12th Instant was also signed

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20 February 1731

The Draught of a Representation proposing the Repeal of an Act passed in South Carolina in 1731 'for Appropriating the sum of £10425 '. 1. 3¼ towards payment of the public Debts' and ordered to be prepared the 24th of the last month was agreed

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28th February 1731

A memorial from Mr Thomas Lowndes to the Board objecting to Col Horseys pretentions to a Claim of 48000 Acres of Land in So: Carolina and complaining of Mr Popple their Lord Pps Secretary on pretence that he favored Mr Bamfield who continued to exercise the Office of provost Marshal of So: Carolina sometime after the said Lowndes had a patent for the same. without paying any Rent to Lowndes for it was read As also a letter to the Board insinuating that Colonel Horseys Warrant for a Grant of the said 48000 Acres of Land from the late Lords Proprietors was antedated And the Secretary laying before the Board a Letter he had likewise received from Mr Lowndes

which

which tho directed to him as Secretary to this Board contained nothing of Office or Public Business but only general reflections upon him. the same was also read and Mr Lowndes being called in Mr Ashe acquainted him in behalf of the Board that they desired he would attend again on Tuesday next that he might know the sense of a fuller Board upon the Subject of his Memorial and Letters but in the meantime he told him that he could not avoid saying that notwithstanding his very extraordinary Behaviour which had in some measure prepossessed ye Board against him yet he might expect all the Justice he could desire from them

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7 March 1734

Mr Jones report dated Jan.y 28th 1733/4 on an Act passed in South Carolina "for settling the Estate of Richard Beresford Esq deceased" was read and ordered that Mr Beresford be desired to attend the Board on Tuesday next

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19 March 1734

Mr Beresford attending as he had been desired the Board acquainted him that having considered the Act Entituled "An Act for settling the Estate of Richard Beresford Esq deceased" passed in Carolina in 1723/11 they proposed laying the same before His Majesty for his disallowance, but that as ye Repeal of this Act would deprive his Brother from the Benefit thereby intended, they hoped he would take care of him. Upon which Mr Beresford said he was now going to Carolina where he promised not only to give his Brother a liberal education but to provide for him. Ordered that the draft of a Represen.n be prepared for repealing the said Act

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22 March 1734

The Report to the Lords of the Committee agreed to the 20th of the last month proposing the Repeal of the Act passed in South Carolina in 1731 for appropriating the sum of £104 ℔25 in paper Money for the payment of the publick debt unassigned

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17 April 1734

The Draft of a Representation for repealing an Act passed at Carolina in 1723/4 "for settling the Estate of Richd Berresford Esq Deceased" Ordered to be prepared the 19th of the last month was agreed

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16 May 1734

Order of the Lords Committee of Council of 22 March 1733/4 referring to the Board the petition of Robert Wright Esq Chief Justice of South Carolina against an Act passed there impowering the Govr to nominate Assistant Justices" Mr Jones's report of March 1733/4 on an Act of South Carolina passed in 1731/2 "to prevent any delay of Justice that may be occasioned by not drawing the Jury List &c and for regulating sevl Courts was read. signifying that he had no objection to it. And a letter from Mr Yonge inclosing three affidavits relating to yt Govrs having removed one Mr Cooper from being an Assistant Judge in South Carolina and put one Dale in his place were all read And directions were given for desiring Mr Hume who solicits the said petition and Mr Yonge to attend the Board thereupon on Tuesday morning next

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21st

21 May 1734

Mr. Yonge and Mr. Surye Agents for South Carolina attending as they had been desired as also Mr. Hume who brought to this Office the order of Reference from the Lords of the Committee upon the petition of Mr. Wright read the 16th Instant ye Board desired Mr. Hume would inform them what he knew concerning ye said Act But he said he had received no Instructions from Mr. Wright upon that subject. And it appearing to the Board that the Act was only passed to solve a difficulty (vizt. whether the Assistant Judges had any right of voting with the Chief Justice in Criminal Causes) And did not contradict any of the Kings Instructions to the Governor resolved that the said Act should lie by probationary

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20 June 1734

Mr. Murry junr. attending the Board read and took into Consideration An Order of the Lords of the Committee of Council dated April 18th 1734 referring to the Board of Trade the petition of Col. Murry his Father praying that the Govr. of South Carolina may be ordered to cause the Six Miles round the Township of Purrysburgh to be surveyed and set apart for the use of the Town and that such substantial Inhabitants as assist ye rest to make their Settlements may be allowed such additional Quantity of land within the Six Miles as shall be an adequate reward for their services not exceeding 300 Acres to be certified to the Governor by the petitioner And that such of the Inhabitants whose Town Lots are situated on the Rivulet may be allowed double Lots in consideration of clearing the

the said Rivulet and that German protestants skilled in the production of Silk and Wine may be allowed the same encouragement as Swiss was read and after some discourse with him thereupon he was desired to bring to y^{e} Board at their next meeting answers to the following Queries viz^{t} What Surveys have been made within the Township of Pharpsburgh or within Six Miles thereof. What Quantities of Land are contained in the said surveys? for whom? and upon what pretence were they made? Then the following orders in Council were read Order in Council of 3 April 1734 approving a Representation of this Board for repealing an act passed in South Carolina in 1696 for y^{e} Encouragement of the better Settlement of that province

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25 June 1734

Col Purry attending presented to the Board his answer to the Queries given him at the last meeting which being read Directions were given for preparing a Draught of a Report thereupon

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23 July 1734

(2) Mr Jones report relating to the state of the case and Quality about y^{e} Lands taken up within Six Miles of y^{e} Township of Pharpsburgh by private persons Ordered to be sent him at y^{e} last meeting was read And their Lord^{ps} taking ye same into consideration Ordered that Mr Jone be desired to attend y^{e} Board thereupon on Thursday morning next

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Copied in error please transpose (1) 16 July

(2) 16 July 1734

Letter from Col Purry containing a state of his case with regard to the land within Six Miles of Purrysburgh reserved by the Kings Instruction for the use of that Township but lately taken up by other people was read and their Lordships taking the same into consideration as also the Draft of the Township of Purrysburgh and a List of the Grants made and to whom of the Land within six Miles of the said Township since the Kings Instructions and the Governors proclamation reserving that Land for the use of the said Township Directions were given for sending a state of this case to Mr Dane for his opinion in point of Law

Whether the Township of Purrysburgh being pursuant to Kings Instructions set out for the use of certain people. and the King having declared that all the Land within six Miles thereof shall not be taken up by any persons claiming under old Grants is not deemed an effectual taking up of the said Land for the Kings use so as to invalidate the claim of any person who subsequent to the said Instruction and proclamation shall have taken up land there

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24 July 1734

Mr Shelton attending acquainted the Board that he had a Warrt from the late Lords Propts of Carolina granting him 12000 Acres of Land but that the Govr having lately refused to give directions to the Surveyor to set out the said Land He desired the Board would please to Order the Govr to set out the said Land The Board upon this acquainted Mr Shelton that the Draft of a Law to settle the Quit Rents of the Province

upon

upon which in great measure y^e validity of the Grants from the late Lords proprietors would depend was now under consideration before the Attorney and Solicitor General and that the Board would take M^r Shelton's Warrant under consideration so soon as the said Draft of an Act should be agreed and in the meantime ordered that a Letter should be wrote to the Attorney and Solicitor Gen^l to remind them thereof

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25 July 1734

M^r Jane attending as he had been desired the Board took again into consideration his Report relating to Lands taken up by private persons subsequent to the Kings having reserved those Lands for the Township of Purrysburgh read the 23^rd instant And after some discourse with him thereupon Ordered that a state of this case be sent to M^r Attorney and M^r Solicitor Gen^l and that they be desired to let the Board have their opinion upon the following Query Viz^t Whether the Kings Instructions together with the Gov^rs proclamation giving public notice thereof which proclamation was subsequent to the marking out the Township of Purrysburgh and previous to the survey encroaching upon the Six Miles round about the said Township shall have sufficiently ascertained the property of the Six Miles Circumjacent to the said Township so as to secure the same from being taken up by any other persons by vertue of any Gen^l Grants or Warrants from the late Lords Prop^rs

30 July 1734

Order of the Committee of 23 July 1734 referring to the Board a

Represen^n

Representation from the Governor Council and Assembly of South Carolina relating to the State of that province. Order of the Committee of 23 July 1734 referring to the Board a remonstrance from the Govr Council and Assembly of South Carolina and a petition from Col. Purry in behalf of the Appropriation Act as also a Report of yt Board against yt same and the Secretary acquainting the Board that Mr Bragg and some other Merchants trading to South Carolina had desired Copies of the said papers ordered that they have a Copy of that which relates to the Appropriation Law

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31 July 1734

The Board taking again into consideration the two orders of the Committee upon the State of South Carolina and the Appropriation Act of that province both read yesterday. Ordered that Mr Oglethorpe the Agent for the province. and the Merchants be acquainted with the Boards desire of speaking with them upon this subject on Wednesday morning next

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7 August 1734

Mr Oglethorpe Mr Jenys and Mr Bruce Agents for South Carolina Mr Symmond in behalf of Col Purry Mr Hume late Speaker of the Assembly Mr Bragg and Mr Miller Merchants trading thereto attending as they had been desired the Board took again into consideration the two Orders relating to the state of that Province and to the Appropriation Act passed there in 1731 read the 30th of the last month and desired the Merchants would

would inform ye Board what they had to offer thereupon. But they desiring some further time to consider thereof the Board were pleased to appoint this day sennight for that purpose

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14 August 1734

Mr Attorney and Solicitor Gen.ls opinion on a case and Question relating to the taking up land in South Carolina by Vertue of old Grants from the late Lords Prop.rs dated 12 Aug.t 1734 with regard chiefly to the Township of purrysburgh was read and Directions were given for preparing the Draft of a Report to the Lords of the Committee upon Col Purrys petition referred to y.e Board by an order of the Committee dated the 18.th of April 1734 and read y.e 20.th June last

Mr Jenye and Mr Yonge Agents for South Carolina attending as they had been desired as also Mr Bragg Mr Hume Mr Symmond Mr Sharpe and Mr Wood their Lord.ps took again into consideration the Order of the Committee of Council of the 23.rd of the last month referring to the Board a remonstrance from the Gov.r Council and Assembly of South Carolina & a petition of Col Purry in behalf of the Appropriation Act as also a Report of this Board against ye same mentioned in the Minutes of the 7.th Inst and the Secretary laying before the Board a letter he had received from Mr Bragg and Mr Wood dated the 12.th Inst relating to the paper Currency in South Carolina the Merchants were desired to inform the Board what they had to offer upon this Subject but they requesting a further day the Board agreed thereto And ordered the Draft of a Represen.n to be prepared thereon and that the Gov.r be wrote to on the same subject

* * * * * * * * * 20 Aug

20 Aug. 1734

The draft of a Representation to the Lords of the Committee upon Col Purrup's petition (referred to the Board the 18th of April last) ordered to be prepared the 11th Inst. was agreed as likewise the draft of a letter to Col. Johnson Gov.r of So Carolina ordered to be prepared at the same time and upon the same subject.

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21 August 1734

The draft of a Letter from the Secretary to Col Johnson agreed at the last meeting was reconsidered and ordered to be transcribed And the draft of a Report to the Lords of the Committee upon Col Purrup petition was again considered and ordered to be transcribed

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28 Aug. 1734

A petition of Mr. Rutherford for the Board's Directions to the Surveyor Gen.l of South Carolina to run out 12000 Acres of land in that province wch he is Entitled to by purchase from Mr. Lowndes was read and Mr. Rutherford was ordered to attend tomorrow morning

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28 Aug. 1734

The Secretary then laid before ye Board the Two draughts of An Act proposed to be passed in South Carolina for settling and collecting His Majtys Quit Rents in that Province One approved by the Attorney and the other by the Solicitor Gen.l and their Lordps agreed to consider further thereof

29 Aug

29 Aug 1734

The Board taking again into consideration the two Drafts of the Quit Rent Law mentioned in yesterdays Minutes made a progress therein

Mr Purry attending presented to the Board a letter from his Father and desired the Board would please to consider of some maintenance for a Minister for Purrysburgh upon which their Lordps agreed to propose that 200 Acres of Land should be allotted as a perpetual Glebe for the Minister of that Township And gave directions for altering the Report upon Mr Purrys petition mentioned in the Minutes of 21st inst accordingly

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6 Sept 1734

The Report to the Lords of the Committee upon Col Purrys petition relating to his Settlement in Purrysburgh in South Carolina mentioned in the Minutes of the 29th of the last month was signed

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10 Oct 1734

Mr Attg and Mr Solicitor General attending the Board took into consideration the two drafts of the Quit Rent Law of South Carolina and agreed to consider further thereof on Tuesday next

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15 Oct 1734

Mr Attorney and Mr Solicitor Genl attending the Board took again into consideration the Drafts of the Quit Rent Law of South Carolina and made a progress therein

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22 Oct. 1734

The Board having received a Letter from Mr. Thos. Lowndes this day, in the following words:-

"My Lords 22 Oct. 1734

"I must be allowed the liberty to observe to your Lordps that "about four years ago I sold a Barony of Land in South Carolina the "Grant of which except the Trustees name was just the same with that pur- "chased by Mr. Rutherford (which has long lain in your Lordps office) and "I took Bonds payable at a future day for yr purchase Money, sometime "after the Bonds were become due I put them in Suit and the security "one Mr. Cotton of Cutlers Hall an Attorney of much fame by direction "he said of Wright yr purchasers brought a Bill in yr Exchequer at "Westminster praying that the Bonds might be delivered up Cancelled "for that the Grant for the purchase of which they were given was void "for uncertainty there being no Bounds Metes or limits described in it

"I by order of Court set forth the Grant in hæc verba and pleaded "the saving clause in the Act of Parliament for the Crowns purchase "of Carolina and my answer was not only allowed to be sufficient "and Good but after several Hearings before the Lord Chief Baron and "the three other Barons the purchasers bill was dismissed with full "Costs which together with the purchase Money was levied upon the "Securities Goods &c in Hertfordshire and Middlesex Your Lordps "Solicitor may give you full information of the whole proceedings "for we fought all the Weapons through

The

The Records of the Council Office of the 19th March 172⅞ will shew (when the Treaty was negotiating) that His Majesty bought Carolina with the Incumbrance of my Grant expressly and by name And the saving clause was accordingly drawn by the Grant now before your Board if after all this my right is to be questioned I know not what can be called property Mr. Ward and Mr. Pigott have drawn all the Deeds for the Land I have sold and they aver my Title to be without Exception. For His Majesty (with all submission I write it) is bound in Law by the Proprietors Warranty which is peculiar to my Grants alone and I was a purchaser for a valuable consideration I therefore beg leave humbly to insist on Your Lordships performing your Agreement with me as to directing the Surveyor Genl. to run out the Barony sold to Mr. Rutherford agreable to my Memorial The Survey. Genl. is an Officer under your Lordships directions by his Instructions. I most solemnly conjure your Lordships not to let your prejudice to my person affect my cause when you sit in Judgement The complaint I exhibited against your Secretary Mr. Popple was well grounded for I was basely cheated by his Mediation and I lost more than Sixty pounds I do in Truth assure your Lordps and I not abhor disserving my native Country I can show a Neighbouring Nation how to deprive Great Britain of a valuable Branch of Trade without infringing any Treaty and if your Lordships will signify that you think this a vain Brag (so that my honor as an Englishman may be fully justified) I will immediately and publicly set down in the writing how in that particular our commerce may be prejudiced

and

"and I know my Lords how to be very welcome to a foreign State whose
"Language Manners and Customs (his well known) I am no stranger to
"I am my Lords. Your Lord^{ps} most oppressed humble Serv^{t} Tho: Lowndes

Their Lord^{ps} having considered the contents of the said Letter came to the following Resolution thereupon Viz^{t} 1st That this Board never made any promise to the said M^{r} Lowndes to send Orders to the Surveyor of Carolina to lay out the Lands for him mentioned in the said Letter 2nd That the said M^{r} Lowndes has maliciously traduced their Secretary Mured Popple in a matter that has no relation to the Business of this Office And having desired a day might be appointed to produce his proof he did refuse at the time appointed for that purpose to produce the same 3rd That the said M^{r} Lowndes hath behaved himself in an indecent manner very much unbecoming an Englishman and a good subject to His Maj^{ty} in threatening to discover and transfer the benefits arising from certain Branches of the British Trade to a foreign Nation 4th That the Validity or Non validity of the late Lords Prop^{rs} of Carolina's Grant to the said M^{r} Lowndes is a matter that does not lye properly before the Board who cannot take upon them to send any directions concerning y^{e} same to the Survey^{r} of Carolina without His Majestys express orders for that purpose 5th That this Board are so ill satisfied with the satisfied with the 3^{d} Thos Lowndes's behaviour that they are determined to have no further Commerce with him. but in such matters only as are immediately relating to y^{e} duty of their Office wherein equal Justice will be done to all His Majestys subjects without

distinc^{n}

distinction Ordered that these resolutions be read to him or his Agent whenever he shall apply for any answer to his Letter

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23 October 1734

A memorial from the Merchants trading to South Carolina relating to the Act passed in that province in 1731 for appropriating the sum of £10,425. 1s. 3d/o complaining of a duty Imposed on the Importation of Negroes by the s.d act was read. And the Secretary acquainted the Board that the Agents had had a Copy of the said Memorial in Order to prepare their Answer Ordered that a Letter be wrote to the said Agents to know when they will be ready with their Answer accordingly.

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31 October 1834

Their Lord.ps taking again into consideration the Letter from Mr. Scrope referring to the Board Mr. Humes petition read the last Meeting gave directions that Mr. Hume and Mr. Knye the Agent of the province should be directed to attend the Board upon this subject on Wednesday morning next

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6 November 1734

An Order of the Committee of Council of Nov.r 31st 1734 referring to y.e Board Mr. Sheltons petition and a Warrant from the late Lords Prop.rs granting him a Barony in South Carolina and praying a confirmation of the same was read and directions were given for preparing a draft of a Rep.t in favor thereof

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Mr. Hume and Mr. Jury attending as they had been desired their Lordps took again into consideration Mr. Humes petition mentioned in the Minutes of the of the 31st of the last month and asking Mr. Jurye whether he had anything to observe upon ye subject of ye said petition he informed the Board that not knowing thereof he had never had an opportunity of attending the Attorney Genl before he made his said Report thereupon Mr. Humes petition with the Attorneys report thereupon as also Mr. Scropes letter enclosing the same were therefore now read And their Lordps after having fully discoursed this matter over with Mr. Jurye and Mr. Hume were of opinion that all disputed Titles to Land in South Carolina ought to be heard and determined before the Court of Exchequer in that province before the King should be advised to confirm any of them and the rather because any person aggrieved will have an opportunity of appealing in his particular case to His Majesty in Council Whereas was His Majesty to comply with the prayer of Mr. Humes petition many Grants of Land might be confirmed without hearing what might be objected thereto. These Gentlemen being withdrawn directions were given for preparing a Draft of a Report Accordingly

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14 Nov. 1734

Their Lordships taking into consideration the Draft of a Report to the Lords of the Committee of Council upon Mr. Sheltons petition praying for ye confirmation of a Grant of 12000 Acres of Land made him by the late Lords Propre of South Carolina Ordered to be prepared the 6th inst the same was agreed

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19 Nov. 1734

The Report to the Lords of y^e^ Committee of Council upon M^r^ Shelton's Petn praying for a Confirmation of a Grant of 12000 Acres of Land in South Carolina agreed at the last Meeting was signed

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3 Dec 1734

A letter from the Lord Harrington dated Nov 16th 1734 enclosing an extract of one from M^r^ Walpole giving notice of some Switzers at Rotterdam designed for England and requiring the Boards advice how to provide for them was read and directions were given for desiring M^r^ Oglethorpe to attend the Board tomorrow morning

. . . . . .

4 Dec 1734

M^r^ Oglethorpe attending as he had been desired the Board took again into consideration the Letter from the Lord Harrington read yesterday about the Switzers at Rotterdam and desiring M^r^ Oglethorpes opinion with regard to the settlement of the said Swiss he acquainted the Board that if Money be advanced for the Transport of these people to Carolina the Trustees for the Colony of Georgia are willing to take the trouble of providing ships and furnishing necessaries for the voyage as they have done for those whom they have transported at their own charge And their Lordships considering at y^e^ same time that by the Approbation Law of Carolina passed there in 1731 'Entituled An Act for appropriating the sum of £ 10417.15.1 3/4 towards the payment of the Publick debts' as also by a Vote of the Assembly of that

Province

province provision is made for taking care of such Foreign Protestants as should transport themselves to Carolina. gave directions for preparing a Draft of a Representation for proposing their being transported to the said province

5 Dec. 1734

The Representation ordered yesterday to be prepared relating to some Swiss at Amsterdam designed for the British plantations was agreed and signed as also a Letter for inclosing the same to Lord Harrington

10 Dec. 1734

Mr. Dury agent for South Carolina attending presented to the Board his Answer to the Merchants remarks on the Appropriation Act and the same was read. Mr Dury also presented to the Board an Estimate of the Public debts of South Carolina at Lady day 1731 which have been made part of the Appropriation Law of that province but was omitted thro mistake and their Lordships ordered that the same should be annexed thereto.

Mr Dury then informed the Board that as he had heard it was suggested that Colonel Johnson had taken up and did insist upon the Land granted his Grandfather Sir Nathaniel Johnson by virtue of an old Grant now deemed void he was instructed to acquaint their Lordships that the same was entirely false and that Colonel Johnson had taken up no land but according to his Family right Viz.t 50 Acres for every person in his Family according to His Majestys Instructions

11 Dec. 1734

A letter from Col. Johnson Govr of South Carolina dated 18 August 1734 with 18 Acts of that province was read and directions were given for sending the said Acts together with such others of this province as have not been considered by Mr Dane be sent for his opinion in point of Law

. . . . . .

17th Dec 1734

Their Lordps taking into consideration a draft of a Representation upon the petition of Mr Hume on behalf of several Inhabitants of South Carolina complaining of the Govr obstructing them in obtaining Grants for Lands they had surveyed pursuant to Warrants granted for that purpose ordered to be prepared the 6th of the last month was agreed and directions were given for sending a Copy thereof to Mr Scrope for the Information of the Lords of the Treasury. The Secretary then informing the Board that about 80 of the Swiss protestants from Amsterdam upon which their Lordps made a Representation the 5th Inst. were already landed in England a letter to Lord Harrington to desire he would recive as soon as possible His Majtys Commands upon that Report was agreed and signed. An Order of the Committee of Council of Nov 1st 1734 upon a Represn to their Lordps from this Board on the petn of Col. Purry to His Majty relating to the settlement of some Foreign protestants at the New Town called Purrysburgh in So: Carolina was read and the Secretary laying before the Board the draft of Instructions prepared accordingly the same was agreed and Directions were given for preparing the draft of a Report

to

to accompany the same

19 Dec. 1734

The Representation upon Mr. Humes petition complaining of the Govr. for obstructing him and others in obtaining Grants for Lands they had Surveyed pursuant to the Warrants Issued for that purpose agreed the 17th Instant. was also signed

B.P.R.O. 1st Carolina B.T. vol. 26. p. 78.

Jan 10th 1733/4

To Francis Fane Esqr

My Lords Commissioners for Trade command me to send you the Inclosed Act passed in South Carolina in 1733, for the prevention of Suits and Disturbances to His Majesty's Judges & Magistrates in this Province on Acct of ye Habeas Corpus Act And to Desire your Opinion thereupon in point of Law, as soon as conveniently may be.

I am

Whitehall
Jan'y 10th 1733/4.

Sr

Your most humble Servt
A. Popple

B P R O South Carolina B T Vol 6 Es.

(19th January 1734)

To the Right Honble the Lords Commissrs of Trade and Plantations

My Lords

In Obedience to Your Lordships Commands Signifyed to me by Mr Popples Letter of the 7th of January I have perused and Considered an Act lately passed in South Carolina Entituled an Act for the Prevention of Suits and Disturbances to his Majestys Judges and Magistrates in this Province on account of the Habeas Corpus Act.

Which I beg leave to observe to your Lordships is a Suspention of the Habeas Corpus Act in this Colony, and an Indempnification with a retrospect to persons who have Acted in an Illegall and Arbitrary manner. And in Violation of the Liberty of the Subject

The Habeas Corpus Act has always been Considered as the great Barrier of the Liberty of the Subject in this Kingdom. For by that Law if any person is Committed to Prison for an Offence that is Bailable by Law. He has a Right to pray his Majestys Writt of Habeas Corpus Returnable before the Chancellor, Chief Justices or Judges of either Benche, And by a

Law

Last of this Province before the Governour, Chief Justice or Two Justices, Commanding the officer in whose Custody the Person is to bring him with the Cause of his Committment before them to Examine for what Cause he is Committed. That he may be either Discharged Bailed or Remanded back. The Law has sometimes been Suspended in this Country, but it has been in the time of Open Rebellion or the certain Apprehensions of it or when the Government itself has been in the most Imminent Danger; What necessity there was of Suspending it in this Colony do's not appear to me. But I beg leave to Observe that in the Preamble of this Bill, which is a most Extraordinary one, It is said, That persons demand this Writt, altho' they are not legally Entituled thereto, which is a very Strong Reason in my Opinion against Suspending the Act, for if that is the Fact, there can be no Necessity for it, Justice taking its usual Course. But I Apprehend the design of the Suspension is to Oppress and Injure his Majestyes Subjects without any Just Cause as appears to me, And to Screen themselves from the Resentments of the Injured who Feel the Weight of their Power. And therefore I am of Opinion that this Law ought to be Repealed

All

All which is humbly Submitted by my Lords
Your Lordships most Obed^t humble Servant
Fran Jane

the 19th of January 1733.

Recd 21st } Janry 1733/4.
Read 22^d }

B P R O. South Carolina B T Vol 1 fl. inclosure

(21st December 1726)

John Lord Carteret Palatine Henry Duke of Beaufort William Lord Craven and the rest of the Lords Proprietors of Carolina in America

To Our Surveyor Generall
for the time being of our
Province of Carolina in America

Colonell Samuel Horsey having given us many and undoubted proofs of His Inclination to Our Service, And his hearty Endeavours to promote the Generall good of Our Province of Carolina. And He having fully satisfyed Us of His designe and intention to carry over and import into our said Province severall Artificers, Husbandmen and other Persons whereby Our said Province may be better improved and settled.

We have therefore agreed to make the said Collonell Samuel Horsey a Landgrave of Our said Province, And Grant to him four Baronies or Fourty Eight Thousand Acres of Land, which are to belong and be annexed to His said Honour and Dignity of Landgrave of the said Province

We do therefore hereby require and command you

you to cause to be admeasured and sett out to the said Samuel Horsey and His Heirs Four Baronies each consisting of Twelve Thousand Acres of Land And you are to give Directions that Grants may be passed for the same to the said Samuel Horsey and His Heirs According to the usage and Custome of our Province with a Proviso that the said Grants shall be void unless the said Colonell Samuel Horsey shall enter upon and begin to plant and Settle the said Baronies within seven years after the date of the said Grant Reserveing a quit Rent of Ten Shillings yearly for every Thousand Acres to us Our Heirs and Assignes for Ever, and for so doeing this shall be your suffitient Warrant. Given under our Hands the Twenty First Day of December in the year of our Lord One Thousand Seven Hundred and Twenty Six

Signed { Beaufort, Craven, Ja: Bertie, Hen Bertie, I Colleton

Recd & Read 3d January 33: 1733/4 Compared with the Original January 28: 1733/4 P.

B P R.O. South Carolina B T Vol 6 E 7 inclosure

(12th March 1727)

At the Council Chamber Whitehall
the 12th day of March 1727

By the Right Honourable the Lords
of the Committee for Plantation Affairs

Their Lordships this day taking into Consideration a Petition of the Lords Proprietors of Carolina proposing to Surrender to His Majesty their Rights both to the Soveraignty and Soil of the said Province, upon paying each of them £2500, Are hereby pleased to order, that the severall Queries hereto annexed, Be Transmitted to the said Lords Proprietors in order to their returning an answer thereto with all Convenient Speed, and they are particularly to Specify therein, what Grants of Lands they have made to themselves, or to any other Persons that are now unsettled, and what Quantity of Lands are contained in such Grants.

Recd
Read } 28 Janry 1728/9

B.P.R.O. So Carolina B.T. Vol 26 p. 79.

Jan^y 22^nd 173 3/4.

To Col: Johnson Gov^r of So Carolina

Sr

My Lords Commissioners for Trade & Plantations having received a Letter, by which they are informed that the Ordnance lately sent to Yo^r Government instead of being Employ'd in the Service for which they were sent thither "now lye upon the Beach in Charles Town, without Carriages, exposd to the Weather & Sand, and that if some Care is not taken, they will certainly be Honey-comb'd and Spoil'd: I am commanded to send you a Copy of it, that you may as soon as possible, inform their Lordships, how far the said Advice is true, and if any Care has since been taken of them.

My Lords have now under their Consideration two Petitions, One from the Merchants of London, & the other from y^e Merch^ts of Bristol, Trading to South Carolina, complaining of two Acts passed there in 1696, Entituled an Act for the Encouragement of the better Settlement of So Carolina, and another passed in 1731 Entituled an Act for appropriating the Sum of £ 104,775. 1. 3 1/4 towards the Payment of y^e publick

Debts

Rebels; And so soon as their Lordships have made their Report to His Majesty thereupon, they intend to make you a full Answer to all yor Letters.

Mr Hall who lately came from your Province, in order to buy Hemp and Flax seed, in order the better to promote the Product of those Comodities at his Return to Carolina, has made his application here, for an Addition to those Sums wch yr Assembly of yor Province allowd him for this purpose. But as My Lords are of opinion, that the Assembly are yr best Judges, wt sum is proper to be allowed for an Experiment of that Sort, in their own Country, their Lordships do not think proper to make any Represent-ation to His Majest thereupon, but they recommend it to You to give all reasonable Encouragement to an Undertaking which seems to tend so much to the Advantage of the Province. I am

Sr

Your most humble Servt

Whitehall
Jan 22d 1733/4.

Alured Popple

B.P.R.O. S^o Carolina B.T. Vol 26 p. 81.

23^rd Jan 1733/4

To Mr Paxton

Sr

I am commanded by my Lords Commissioners for Trade and Plantations, to acquaint you that their Lordships have resolved to take into their Consideration, on Friday Morning next, the Act passed in South Carolina, in 1733, for the prevention of Suits and Disturbances to His Majesty's Judges and Magistrates, in that Province on account of the Habeas Corpus Act And that their Lordships will then hear anything that you may have to offer against the said Act

I am

Sr

Whitehall
Jan^y 23^rd 1733/4

Yo^r most obed^t Humble Servt
Alured Popple

B P R O South Carolina B.T. Vol 6 Ee.

(23 January 1734)

To The Right Honble The Lords of His Majestys Most Honourable Privy Council in Committee.

In Obedience to your Lordships Command Signifyed to us by an order of the Right Honble the Lords of the Committee for Plantation Affairs dated the 12d Inst containing Queries with Respect to severall Grants of Land made by the Proprietors of Carolina to each other.

We the said Lords Proprietors of that Province whose Names are hereunto Subscribed humbly Represent to your Lordships, That we do admit there have been several Tracts of Land granted to the Proprietors & others by virtue of the Powers granted to them by their Charter. The particulars of which in answer to your Lordships Queries Comencing from the year 1713 are as follows.

1714. One Grant was made of all Mineralls whatsoever (excepting Royal Mines) and one other for making of Oyl from Nuts of Carolina, both which were to be void if not Undertaken and attempted within three years after the Date, And now Consequently void.

A Grant of 500 Acres was made to the

Lord

Revd Mr Johnson Reserving the Usual Quit Rent which we believe was not Set out he being Since Dead.

1715. A Warrant Granted to Mr Hodgson for 5000 Acres of Land Reserving the Usual Quit Rent, never set out as we know of.

1716 A Grant was made to Mr Ch and Mr Swartz for Wrecks within the Limits of the Lords Patent Reserving five p Ct out of the neat Profit which Project was never entered upon

1719 Sr Robert Montgomery had a Grant of a great Tract of Land between the River Savanna and Alathma at a Quit Rent of a Penny a yeare for an Acre as it should be settled with this Restriction, that if Sr Robert Montgomery his Heirs and Assigns shall neglect the said Undertaking and not begin the Settling the said Lands for the Space of three years the Proprietors might Reenter in pursuance of this Grant.

A Warrant for 500. Acres of Land was granted to the Reverend Mr Allsop Reserving the usual Quit Rents. He Dyed and it never was taken up. & although in the yeare 1713. No Lands were ordered or Laid out for the Lords Proprietors either in South or North Carolina yet in the yeare 1718 & 1719 there were

severall

severall Baronies Laid out for the Lords Proprietors as mentioned in your Lordships Queries Judging this Method might Tend to the better Peopleing the Province by engageing the Proprietors Seperately to Cultivate and Improve their own Lands but by Reason of the Disorders of the Colony their Lands were never entered upon

1722. 12000, Acres were granted to the Secretary Mr Shelton as a Gratification for his many years Service but not yet Set out

1724/5 12000, Acres were granted to Mr Pury upon Condition that he should Transmit 300 People within a yeare after the Date of his Patent And a further Agreement was made with Vats & Pury for two Baronies in Consideration they should Transport 12000 Swiss into the Province at their own Charge which they were not able to perform but the Consideration of this affaire being Recommended to the Proprietors By His Grace the Duke of Newcastle Secretary of State and the Lords Commissioners of the Plantations. The Proprietors did Propose at their own Charge to have paid the Passage of 300 Protestant Swiss in case they could give Security to Settle upon the Savanna River for the greater Safety of the Infant Colony at Port Royall but this was never done.

Your

Four Barronies consisting of 12000 Acres each were granted to Mr Thomas Lowndes and three other Persons in Consideration of his Service for the Common Good of the Province and of the Surrender of 48000 Acres of Land (which upon examination appeared never to have been set out) which Deeds were Inrolled in his Majestys Court of Common Please.

1726 A Warrant was granted to Coll.o Samuel Horsey for a Landgraveship with four Baronies thereunto Annexed and a Patent was ordered for the same but not taken out by him by Reason of the Unsettled State of the Province.

1727 A Grant of 1000 Acres of Land at a Quit Rent of a penny p Acre to Commence three years after the date was made to one Mr Taylor of Ireland who went over as we are Informed with above 30 White People to Settle there.

North Carolina 1728 A Grant was made to Mr Barrington for 2000 Acres of Land upon his being appointed Govr of North Carolina which he Refuseing to Accept we look upon that to be void

1728 2000 Acres of Land were granted to Sr Richard Everard when he was appointed Govr Reserving the usual Quit Rent, and we are informed

This

This has been Set out Accordingly

1727 Three Thousand Acres of Land were granted to My Lady Everard at the usual Quit Rents upon her going over with her Family to Settle there, who went about May last.

These were all the grants that were made By the Proprietors Since the yeare 1713 and of we have not given your Lordships a more exact Account of the Conditions upon which they were granted and the Places where they are to be Sett out it is for want of a propper Register whereby we might be Informed of each particular, nor could we obtain a true rent Role of our Lands, which Occasioned our presenting a Petition to his late Majesty Praying that he would be Graciously Pleased to direct his Provissionall Govr. to cause a Register to be made of all the Lands Granted, and upon what Terms in order to know how to settle the Remaining Uncultivated Lands in such manner as might most Conduce to the Publick Good.

In answer to the last of your Lordships Queries we do admit that the Proprietors did shut up their office for the sale of their Lands in Carolina in the year 1719 when Mr Johnson Suffered himself

himselfe to be Deposed which we humbly apprehend was not only prudent but Justifiable the Proprietors Predecessers having at their first entering upon the Execution of their Charters made Grants of Large Tracts of Lands to severall Persons who proposed to settle there at a small Quit Rent or only a pepper corn yearly in Expectations that the Grantees of such Lands would have been induced to settle them, and thereby increase the number of Inhabitants But as we are informed there is not a Sixth part of the Lands so granted as yet settled by any body we conceive such Lands may be reentered upon

And here we beg leave to represent to your Lordships that the Proprietors were always ready at their office at London to Grant their unsettled Lands at a moderate Quit Rent not exceeding one penny p Acre yearly to any Persons who with an intention to settle there would have applyed to them and that they were ready to receive and comply with any reasonable proposall of that kind from the Countys Agents, Mr Young Notwithstanding his known Ingratitude to the Proprietors whose surveyor Genll he was for many years, but absented himselfe from the Province and his Duty with their Leave or Consent

We

We shall only now beg leave to add by way of Explanation of the Clause in our last Petition to His Majesty wherein he humbly propose to Make an absolute & intire Surrender of our Respective Shares and Interest not only of the Sovereignty but the Property we have to the soil of Carolina by value of the two Charters granted by King Charles the Second, That by this Clause we mean and intend to Surrender to his Majesty our Right & Title to all our Lands not entered upon & improved as well the Baronies & Lands granted to each of us as Proprietors as all other our Lands whatsoever in the Province of Carolina desiring that in Drawing the Deed of Surrender they may be as fully Conveyed and vested in the Crown as we are capable of Doing it without any Restriction or Reserve

All which is Submitted

Recd
Read } Janry 23 1733/4

B P R O. South Carolina B T Vol 6 E 17

(21st January 1734/5)

To the Right Honble the Lords
Commissioners of Trade and Plantations

My Lords

In Obedience to Your Lordships Commands I have perused and considered an Act passed in the Province of South Carolina in 1733 Entitled an Act for Selling the Estate of Richard Beresford Esquire deceased.

The Act Recites that Whereas Richard Beresford late of the Province of South Carolina Esquire deceased did by his last Will dated in May 1715 inter alia give unto his Sister Mary Ford Wife of Nathaniel Ford Shipwright all his Goods and Household Stuff that should be found in his House at the time of His Decease and all his Debts which should be then due and Owing to him and also gave unto his Son John Beresford his Heirs Executors Administrators and Assigns all his Goods and Chattells Lands Tenements &c in South Carolina or elsewhere Except what is in the said Will otherwise Devised when he should Attain the Age of 21 Years & directed that his said Son should have all due and Liberall Education &c out of the Yearly Profitts of the same at

at the Discretion of his Executors Coll Thomas Broughton untill he should Attain the Age of 21 Years and gave his Executor 10^{8} ℔ Cent for every hundred pounds he should make of the Clear Yearly Profitts of his said Real and personall Estate for his Care and trouble untill he should Arrive to 21. And further gave unto his said Executor out of the Yearly Profitts of his said Estate for the first Year after his Decease 30^{li} and Yearly and every Year next Ensueing 20^{li} untill his said Son should Arrive to his Age of 21 Years upon Trust that he should Apply the 30^{li} for the first Year and the 20^{li} Yearly towards Buildings Improvements Repairs Cloathing of Negroes and all other Necessary Charges and Expences Incident or belonging to his said Real and personall Estate and the Residue of the Yearly Profitts Upon Trust that he should Yearly Pay the same into the hands of the Vestry of the Parish of St Thomas in Berkly County in South Carolina to be Disposed of by the Major part of them viz^{t} one third part thereof to the School of the said Parish for the time being and the other two thirds for the Maintenance & Education of the Children of the Poor of the said Parish as should be there sent to School and the

Vestry

Vestry for the time being should have the Nomination and Chief of all Schooll Masters and remove and displace them if they saw Occasion and the said Executor should have a Vote with the Vestry as well in the Nomination of the School Master as in the Disposition of the residue of the Profitts of his Real and personall Estate and the Testator Willed that if his Son should happen to dye before his Age of 21 Years without Issue then he gave all his Goods and Chattells Lands Tenements and Hereditaments unto the said Coll Thomas Broughton his Hers Executors & for ever upon Trust that he should sell the same for the most Moneys that could be got and the Money arising to be paid into the hands of the said Vestry for the time being to the Intent the same should be placed out at Interest all which Interest to be disposed of as follows viz one third to be paid Yearly to the School Master for the time being and the other two thirds to be Yearly paid and Applyed towards the Maintenance and Education of the Poor Children of the said School.

The Act further recites that Richard Beresford an Infant of about three Years of Age (Son of the Testator by his Second Wife) by his Petition presented to

to the Generall Assembly of that Province by Richard Splatt of Charles City Merchant his next Friend Alledged & set forth the said Testator sometime in May 1718 designing to go to England and having no Wife and only one Child then living the said Testator did make his Will in such manner as before mentioned and soon after went to England where he Intermarryed with Dorothy Mellish with whom he had a Fortune of upwards of 1000£ and had by her two Children whereof Richard the Infant was only living and the said Testator having made no new Will or Alteration but declared he intended to provide for the said Richard the Minor in a very handsom Manner and leave him as much if not more then he Intended for his said Son John but was Suddenly killed on the 17th of March 1721 by the fall of an Arm of a Tree as appears by the Coroners Inquest whereby Richard the Minor was left entirely destitute and Naked in the World without any manner of Provision made by his Father for his Subsistance Notwithstanding his Fathers Estate was much Encreased by the Addition of his Mothers Portion and set forth many Circumstances of his Fathers condition different at the time of his Death from what they were at the time of his making the

the above recited Will and that twas Impossible to believe that his Father would have made some Provision for him had he not been so Unfortunately Killed therefore the sd Richard the Minor prayd that his unfortunate and Calamtous case might be taken into Consideration and leave given to bring in a Bill for making such Provison as should be agreable to Equity and as his case should require which Petition was referred to a Committee of his Majesties Honble Privy Councill to Examine into the Allegations and they Reported that an Equitable Provision ought to be made for the said Richard the Minor and also for Relief of the said John For which purpose. It is Enacted that all and Singular the Goods and Chattels Lands &c of the Testator Richard Beresford which are by the Will given unto his Son John shall be Continued and kept Entire without any Diminution in the the hands of the said Collonell Broughton the Executor to be by him Improved in the best Manner untill the said John and Richard Beresford shall Attain their respective Ages of 21 Years and to lay out and Apply such Summes of Money as shall be Necessary for the Buildings Improvements Repairs Cloathing of Negroes &c belonging to the Real and

personall

personall Estate Althi the same may exceed the severall Sumes of Money in and by the said Will.

It further Enacts that Richard the Minor as well as his Brother John shall be under the sole Care of the said Colo Broughton untill they Arrive at their respective Ages of 21 Years and by &c Educated and brought up in good Learning out of the Profitt of the personall Estate of Richard Deceased deed unto the said Richard Splatt £125. 8. 1. 3. 6d he having Expended so much in procuring this Act And in Cloathing Maintenance &c of the said Richard the Minor.

It further Enacts that in Case any of the Negroes belonging to that Estate happens to dye or be disabled before John Attains his Age of 20 years then the said Executor is Impowrd to purchase 2 Slaves of the same value and Service out of the Moneys Arising by the Profitts of the said Estate to the Intent the same Number of Able Slaves may be kept and not Diminished.

It further Enacts that after Payment of the Debts of the Testator and Deducting the Charges of the Buildings &c the said Executor is Impowred to pay the Residue of the Profitts of the Real and

and Personal Estate untill John Arrives to 21 Years of Age and the residue of Richards Part of the Personall Estate untill he Arrives to 21 Years of Age to and for such Charitable Uses and in such a Manner as is directed in the Will

It further Enacts that the said John and Richard Beresford the Infant be Joynt Owners of all and every part of the said Personall Estate untill such time as the said John shall Attain his Age of 21 Years and in case of the Decease of Richard the Minor before that time then the whole Personall Estate shall be delivered up to John at his Age of 21 Years by the said Collonell Broughton but in case the said Richard shall be then living the said Broughton is directed to deliver only one half part of the personall Estate unto the said John Beresford and to keep in his possession the other half for the Use of Richard untill he comes to the Age of 21 Years and then deliver the remaining half part of the personall Estate to him and in case of the Decease of the said John Beresford before his Age of 21 Years without Issue the Minor living the Executor is to keep the whole personall Estate untill Richard shall Attain his Age of 21 Years and then deliver the

the whole Estate to him.

It further Enacts that in case of the Decease of John Beeresford before he Attains the Age of 21 Years without Heirs (the Minor living) then all the premisses shall goe and are hereby Vested in Richard Beeresford the Son and the Heir of his Body for ever and in case of the Decease of John and Richard before they Attain their Ages of 21 Years and without Issue then the said Executor with the Consent of the Major part of the Vestry of the said Parish of Saint Thomas are to Sell the said Estate for the most Moneys that can be got for the same and Apply the same to such Charitable Uses &c as is by the Will of Richard Beeresford the Father directed and the said Executor shall be Indempnified for what he does in pursuance of the same.

I beg leave to say upon Consideration of this Act that the Interposition of the Legislature in this Matter of private property is the most Extraordinary and Unprecedented proceeding that I ever knew. It is taking upon themselves a power which was never Attempted by any Legislature before and which might prove highly Detrimentall to the Subjects of this Colony

Colony, should it not be Discouraged in the first Attempt. In the Case before your Lordships the Legislature from the motives of Compassion as they call it, have Actually taken part of the Fathers Estate from one Son and given it to another expressly contrary to the Direction of his Will they have Altered Limitations and Express Bequests and in Short have framed such a Will for the Father as they thought was proper for him to make. The Foundation of this Extraordinary proceeding was that the Younger Son happened to be born after the making their Fathers Will and had no Provision made for him thereby. To be sure his Case is very unhappy and must move the Compassion of every good natured Man, but that can Never be urged as a Reason for the Interposition of the Legislature in his favour so as to Alter the express Will of his Father to the prejudice of other persons, for if this is to be Suffered and it is to be drawn into Precedent there will be little Occasion for the Statutes of Wills, for these reasons and for that there are not the proper saving Clauses inserted in this Act as there ought to be in all private Acts, I am humbly of Opinion that this Act ought to be

repealed

repealed which is humbly Submitted by my Lords
your Lordships
most Obed.t humble Servt
Fran Fane

28th January 1733

Recd January 28: } 1733/4
Read 7th March }

B. P. R. O. South Carolina B. T. Vol 6 En

To the Right Hon^ble the Lords Comiss^rs for Trade & Plantations

The Memoriall of Coll^o Sam^ll Horsey

Sheweth

That when your Memorialist had the Honour to attend your Lordships, upon a reference from His Majesty, relating to a grant made by the late Lords Proprietors of Carolina To your Memorialist for a Landgraveship with Four Burronies or Fourty Eight Thousand Acres of Land in the said Province, Reserving only a Quit Rent of Ten Shillings yearly for every Thousand Acres

Your Lordships were pleased to declare to your Memorialist, that the Quit Rent of Lands now Granted by His Majesty, was Established at Four Shillings p Annu for every Hundred Acres And that altho' your Memorialist claimed a Confirmation of the said Grant from His Majesty, upon the Terms allowed by the late Lords Proprietors for the Reason set forth in your Memorialist Petition (now before your Lordships) yet your Lordships seeming to be of Opinion that the complying with such request might Occasion some confusion and difficulty when the same Land may be divided into Smaller

Parcels

Parcels, as well as in making future Grants And your Lordships having been so good to allow your Memorialist to declare in writing upon what Terms he is willing to Accept the Grant of the aforesaid Lands.

Your Memorialist takes leave to repeat to your Lordships that he forbore taking up these Lands as he might have done, before the Agreement was concluded for Surrendering the said Province to His Majesty to avoid Obstruction or Delay to the perfecting the same, And His Intention being Still to promote as much as he is able the Intire settlement of the Province for His Majestys Service And the Generall good thereof, is content to Submit to such Settled Rules and Terms as His Majesty has now Established, But if His Majesty since his Purchase of that Province has been pleased to confirm Grants to any Persons upon the Terms expressed in their warrants from the Late Lords Proprietors. Your Memorialist hopes he shall not be precluded from any like Benefit.

And he humbly hopes that if it appears to Your Lordships that he has merited any thing by his Services, in Soliciting carrying on and perfecting the Agreement for the Intire Surrender of the said Province to His Majesty, thereby foregoing his own immediate

advantage

advantage, your Lordships will be so good favourably to represent the same to His Majesty for his further Consideration

Sam[l] Horsey

Recd Janry 29
Read Janry 31 } 1733/4

P.R.O.

S. Carolina B. T. Vol 26 p. 82

6th Feb. 1733/4

To the Right Honble the Lords of the Committee
of His Majesty's most Honble Privy Council

My Lords

In pursuance of Your Lordship's Orders of 6th December last, We have considered the humble Petition of the Merchants of London and Bristol, who trade to South Carolina complaining of an Act passed in that Province, on the 20th day of Augt 1731. Entituled An Act, for appropriating the sum of One hundred Four Thousand Seven Hundred and Twenty five Pounds One Shilling & three Pence farthing, towards payment of the Public Debts. And likewise of an Act passed there in 1696 Entituled, An Act for the Encouragement of the better Settlement of South Carolina.

We have been attended upon this Occasion by the Petitioners, and by Mr Sharpe & others on the part of the Governor Council & Assembly of South Carolina, and have heard what either side had to offer for the Disallowance or Confirmation of the Acts in Question.

We should naturally report our Opinion at the same Time to Your Lordships upon both these Acts, but with

with respect to the First of them commonly called the Appropriation Law, We have not yet received so perfect Information concerning the Several Facts that have been Advanced on either side, as may enable Us to form a Judgement upon them.

But with regard to the Act, for the Encouragement of the better Settlement of So Carolina as We are informed, that the Issue of Several Causes now depending in that Province, will in great measure be Governed by His Majesty's Royal Determination upon this Act. We think Ourselves obliged to Expedite our Report thereupon and to acquaint Your Lordships, that by this Act, It is provided, that no Person or Persons residing in So Carolina, or that shall hereafter Transport themselves into that Province, there to Plant & Inhabit, shall be Arrested, Sued or impleaded in any Court, or imprisoned for any Debt, whether ye same be, by Bill Bond, or any other Specialty, Account or Reckonings whatsoever, contracted before their Arrival there, until ye Expiration of Five years after his or their Arrival in So Carolina.

We conceive this Clause to be in its own Nature, repugnant to the common Law of England and as it actually does prove extreamly detri-

mental

-mental to the Interest of His Majesty's trading Subjects by Screening ill disposed Persons Who may be guilty of fraudulent Practices towards their Correspondents and Creditors which must naturally tend to destroy the Good Faith and Credit that ought always to subsist between Merchants. We would humbly propose that this Act may be laid before His Majesty for His Disallowance. We are

My Lords,

Yor Lordships

most obedient &

most humble Servants

Westmoreland

P. Dominique

M. Bladen

Edw. Ashe

Jas Brudenel

Ox. Bridgeman

Whitehall

Feb. 6th 1733/4

B.P.R.O. S. Carolina B.T. Vol. 26. p. 85

(15 Feb. 1733/4)

To the Right Honble the Lords of the Committee of His Majestys most Honble Privy Council.

May Lords.

Pursuant to Yor Lordship's Order of the 6th of December last We have considered such parts of the Petition of Thomas Cooper Esqr James Greene & Rowland Vaughan Esqr as relate to an Act passed in S. Carolina Entituled an Act for prevention of Suits and Disturbances to His Majesty's Judges and Magistrates, in this Province on Account of the Habeas Corpus Act, humbly praying to be heard by their Council against the said Act & that the same may be repealed.

We have consulted Mr Fane one of His Majtys Council at Law upon this Act, Who has made several objections to it, in point of Law, and having considered the said act agreeable to Your Lordships order of Reference, without entring into the Motives that might induce the Assembly of S. Carolina to enact it. We take leave to acquaint Your Lordships that this is an Act of an extra ordinary Nature, and as it repeals a Law already in being, so far as

as relates to the Petitioners, without being provided with a Clause for suspending y^e^ Execution thereof till His Majestys Royal Pleasure concerning it should be known in which Point it is derogatory to the 24^th^ Article of the Govern^rs^ Instructions: We are humbly of Opinion that this Law should be laid before His Majesty, for His Disallowance, — We are

My Lords

Your Lordships

most Obedient and

most humble Servants

Westmoreland

P. Docminique

M. Bladen

Edw: Ashe

Ox. Bridgeman.

Whitehall

Feb. 15^th^ 1733/4

B.P.R.O. S.Carolina B.T. Vol. 26 p. 87

15th Feb. 1733/4.

To the Kings most Excellt Majesty

May it please Your Majesty.

In Obedience to Your Majesty's Order in Council of the 20th Day of December last, We have considered the humble Petition of Coll: Samuel Horry to Your Majesty, setting forth that on the 26th day of Decr 1726. the late Proprietors of Carolina signed a Warrant to make him a Landgrave of that Province and to grant him four Baronies, or forty eight Thousand Acres of Land, to be annexed to his said Honor of Landgrave; but that the Petitioner being then concern'd in Soliciting a Surrender of the Province of South Carolina to Yor Majesty from the Late Lords Proprietors, He did not attempt to take up the said Lands at that Juncture, being desirous to avoid everything which might give any Obstruction to the proposed Surrender, and chusing rather to depend upon Yor Majesty's Goodness for perfecting his Grant when Yor Matty should be in full Possession of the Province.

Whereupon the Petitioner the Petitioner most humbly prays Your Majesty in Regard to his good

Services

Services in Soliciting & perfecting the sd Surrender & ye great Trouble & Expence he was at, upon that Account for which he hath never had any Consideration that Your Majesty will be graciously pleased to direct that a Grant may be made to Him of the Lands comprised in the above-mentioned Warrant of the Late Lords Proprietors, in such Manner as Yor Majesty in Yor great Wisdom shall think fit, that He may be enabled to pursue his Intention of making a Settlement in ye Province.

We beg Leave to acquaint Yor Majesty, that We find the Allegations of this Petition to be true; And are humbly of Opinion that in all probability Coll: Hornsey might have procured the completion of this Grant from the late Lords Proprietors, if he had Apply'd to them for that purpose, at the time when he was Soliciting an Accomodation between them, & Your Majesty's Royal Father, for the Purchase of their Interest.

The Quit Rent reserved to the late Lords Proprietors in this Grant, was Ten Shillings p Annum for every Thousand Acres but upon our objecting to Coll: Hornsey, that the Quit Rents reserved in Your Majesty's Grants since this Province hath been vested in

in

in the Crown have been established by your Majesty at the Rate of four shillings Proclamation money for every Hundred Acres of Land, & that if his Grant should be allowed, by Yor Majesty with the Reservation only of the Ancient Quit Rent. It must occasion some Confusion in the Province, when the said Lands should come to be devided & let to different Persons, in small Farms; the said Coll: Horsey in Answer to this objection, hath signifyed to us by his Memorial, that being desirous to promote as much as he is able, the future Settlement of South Carolina, for your Majesty's Service, and the general Good of that Province, He is contented to Submit to the Quit Rent now reserved in Yor Majesty's Grants of four shillings ℔ Hundred acres, still hoping for your Majesty's Royal Favour, upon some other Occasion, in Consideration of his Endeavours and Services, in procuring the Surrender of this Province to your Majesty.

And the Petitioner having assured us that he forthwith intends to transport, a proper number of Persons to S. Carolina in order to make a Settlement upon the Lands that shall be granted him; We beg leave humbly to represent to your Majesty, that altho' in general We may be of Opinion, that the

making

making Grants of large Tracts of Land, in America may not be adviseable, Yet considering the late Lords Proprietors did grant the Petitioner a Warrant for this Quantity of Land That he is to pay the common Quit Rents; and appears to Us, to be both qualifyed and disposed to settle the said Tract of Land.

We are humbly of Opinion that Your Majesty may be Graciously pleased to Order a Grant to be made to Coll.o Horsey of Forty eight Thousand Acres of Land in South Carolina, Under the Quit Rent of Four shillings Proclamation money of that Province for every Hundred Acres, and upon Condition, that one third part thereof, shall be cultivated within the space of years after the Date of the said Grant

All which is most humbly submitted

Westmoreland
P. Dominique
M. Bladen
Edw. Ashe
Dr. Bridgeman

Whitehall
Feb. 15.th 1733/4

B P R O South Carolina B T Vol 6 E12

(22 Feb 1734)

To the Right Honble the Lords Commissioners for Trade and Plantations

The Humble Petition and Representation of Thomas Lowndes

Sheweth

That your Petitioner with the greatest Submission beggs Leave to Annex a Copy of an Article of a Paper in the Custody of Henry Smith of Caversham Esq late one of the Trustees for the Sale and Surrender of the Charter of Carolina to his Majesty by which Your Petitioner Conceives It will appear that he was Chiefly Instrumental in that Transaction. One of the Mapps mentioned in the Annexed Paper Your Petitioner Presented to Sir Robert Walpole and the others He gave to Persons of great Eminence in whose Possession Yr. Petitioner believes they still are. The Reasons mentioned in that Paper Your Lordships have a Copy of Presented by Your Petitioner Some Years ago To which He beggs Leave to Refer.

Your Petitioner Admits that Colonel Horsey Carried Most of the Messages betwixt Five of the late Lords Proprietors and the Right Honourable the Earl of

of Westmorland in the General Treaty for the Sale of the Country and this was the Reason why Colonel Horsey was Admitted to Carry Such Messages &c.

The Proprietors had formerly presented Colonel Horsey to be their Governour and that Gentleman told the Proprietors he had hopes from Court that he should be sent by his Majestye in that Station and the Proprietors thought it would further his pretentions if they allowed him to Seem Usefull. This perhaps may make that Noble Lord think Colonel Horsey Significant in that Transaction.

But Your Petitioner Appeals to that same Noble Peroon whether after the Terms of the Treaty were generally Concluded upon Your Petitioner Did not independent of Colonel Horsey Communicate by Writeing to his Lordship Several Informations very Usefull to the Compleating and Establishing the Contract and that such Informations could not come but from One who was privy to every Step that was taken.

That Colonel Horsey alledges in his Petition to his Majesty, That in the Act of Parliament for Conveying the Province to his Majestye a Clause was Inserted Confirming all Legal Grants which had been made before that time Whereas in the said Act there is

only

only a saving Clause for all Grants under the Seal of the Province before the first of January 1727 and not a Confirmation of all Grants before the passing the Act which was not till 1729 And Your Petitioner Begs Leave to Observe, that if the late Proprietors signed any Warrants or made any Grants after the said first of January 1727 (Notwithstanding any Antedates) such Warrants or Grants can have no Benefit from the Act of Parliament — And yet the late Proprietors may as Gentlemen and Men of Quality and Honour Justifye the making such Warrants or Grants And some such Warrants or Grants your Petitioner is convinced and has good reason to believe are to be met with tho' Your Petitioner was not Privy to the making or Signing any such, nor ever Aided any Person directly or Indirectly to Procure such Grant or Warrant, and Your Petitioner begs Leave further to add that the Antedating of Such Grants or Warrants by the late Proprietors was an Advantage to his Majestye and the Publick because by that Means the Duration of such Warrants or Grants was Shortened, but the Suitor that Obtained Such Antedated Grant or Warrant must Certainly have some very Particular Purpose not unworthy of Your Lordships inquiring into.

Your

Your Petitioner most Solemny Appeals to Your Lordships Sitting in Judgement Whether by what Mr Horsey has Set forth in his Petition to his Majestye he has proved his Warrant to be Executed before the time limitted by the Act of parliament. The Order of Comittee of Councell Dated 12 March 1727/8 required the late Lords Proprietors to give An Account of all Grants made either to themselves or others to the Date of the Order. But with Great Submission Does the Proprietors Return to the Order of Councell Prove Mr Horseys Said Warrant to be duly Executed before 1st of January 1727/8 If Mr Horseys Warrant Was Executed as it appears to be he may Easely give Proper Evidence.

Your Petitioner thinks He should be Wanting in his Duty to his Majesty and the Respect that He hopes Always to preserve for Your Lordships, if He Did not observe to Your Lordships, That (if he is well informed) All Warrants, if not Supported by a Grant or Executed within Four Years Are by a Law of Carolina Null and Void, And Your Petitioner Begs leave to add that there are Void Warrants and Escheated Grants for more than One Million Two hundred Thousand Acres of Land at Little or no Quitt Rent and Some of them are Negotiated upon the Exchange

Exchange.

That Your Petitioner desires Mr Horsey may be Directed to Deliver in Writing by what means the Treaty for the Surrender of the Province was set on foot and when, to whom, and by what hand the Plan of the Usefulness of the Harbour of Porte Royall in Obstructing the Spanish Navigation was first Communicated, which Particulars Your Petitioner humbly hopes will not be deemed Indecent in him to Conceal till Mr Horsey has Shewed his knowledge or his Ignorance of them.

Your Petitioner also most Humbly desires that Colonel Horsey may be Obliged to Tell forth in Writing whether he the said Col ever drew up either during the Treaty for the Sale or the Treaty for the Surrender of the Sovereignty any State of the Province of Carolina or any other Paper whatever Except part of a Paragraph which was Expunged and for very good reasons.

And Your Petitioner Supplicates Your Lordships that Mr Horsey be directed to Name the Paper during both the Treaties that was not drawn up Entirely by Your Petitioner, who with the Greatest Veracity affirms that during both the Transactions he drew up all the

the Severall States and papers Relateing thereto one only Excepted which was of Little or no Consequence at all, as Your Petitioner can make appear under Mr Horseys own hand.

That Mr Horsey might have taken up his Warrant and might have Insisted upon the Execution thereof (pending the Treaty) if his Warrant was Executed according to the Date, without giving the least Obstruction to the Proprietors Surrender, For Your Petitioner with truth Averrs that the Treaty was set on foot about the 18th of February 1727/8 and was Concluded about the End of March following And all the time Colonell Horsey could possibly spend or lose afterwards was two Days in Attending Parliament to Accept the Trust and three Days and an half in Executing the same. And Your Petr begs leave to Acquaint Your Lordships, that Colonell Horsey had four Years time to Execute his Warrant in (provided the same was regular) and that the pretended unsettled State of the Province was no hindrance at all. For there was proper Surveyers who did their Duty Regularly all that time.

That Colonel Horsey Misinforms his Majesty in affirming that he was at Considerable Trouble

and

and Expence in Solliciting and Attending the Surrender of the Carolina Charter and in the Execution of the Trust for which he never had any consideration allowed. For that the late Lords Proprietors Did Honourably Discharge all the Expences Attending the Execution of that Trust and Colonel Horsey received As an Ample Reward for all his Trouble and Services a present of about Seventy Guineas which Facts Your Petitioner is able and willing to prove

That in Justice to a Person of Great Sense and Worth Your Petitioner begs leave to Acquaint Your Lordships that after the Generall Terms for the Purchase of Carolina were Agreed on the Honourable Mr Hutcheson was more Usefull than all other Persons whatsoever, for he Employed himself in Obviating Difficulties that might arise, in Conferring with the Ministers of State, in helping the late Attorney and Solicitor General to Unravel and Settle the Titles in Assisting to Draw the Plan of the Act for the Surrender and in keeping the late Proprietors Steady and in good Temper who Sometimes thought themselves not well used, And Your Petitioner humbly Entreats Your Lordships to Inform Yourselves from that Gentleman whether Mr Horsey or your Petitioner attended him

him with proper papers and Informations to Enable him to go through the Business which He to serve his Friends Voluntarily Engaged in.

That Your Petitioner Craves Your Lordships Indulgence to Observe to Your Board that during the time he was Endeavouring to Serve his Majestye in the above Transaction which is Concluded to the great Advantage of the Publick Your Petitioner met with many and almost insurmountable Difficulties. And one particular Hardship he begs leave to relate That by Patent Dated 18 June 1725 under the hand of the Lord Carteret Palatin and all the other Lords Proprietors Your Petitioner was appointed Provost Marshall of South Carolina and Contrary to all Law and Justice was by his Majestyes Provisional Governour deprived of all Benefit from it. That after the Treaty was Concluded and the Act of Parliament passed which Saved Your Petitioners Right, Your Petitioners Office was Executed against his Will by another Person who Suffered Your Petitioner to receive no Advantage from it. That even after Your Petitioner had Obtained his Majestyes Letters Patent upon Surrendring his former Grant One Mr George Bonfield a Near Relation of Mr Popple Your Lordships Secretary who had Intruded into the

office

office and Executed it for Some years before, had the Injustice to Continue in Your Petitioners office for the Space of about Two Years without ever paying the least Rent or acknowledgement to Your Petitioner which hard Usuage made Your Petitioner Shew his Resentment to Mr Secretary Popple who Your Petitioner thought used to me Artifice in favour of his Relation For Mr Secretary Popple frequently sent for Your Petitioner, Sometimes desiring a preference in favour of his Cousin which Your Petitioner Granted. Sometimes reading Letters to Your Petitioner that his Relation would be in England by such a time. Sometimes that he had taken his Passage in Such a Ship. when the whole was a Peice of Management and a Fiction to Your Petitioners Great prejudice For Mr Bamfield never came And Your Petitioner humbly apprehends that the Just Indignation that He Shewed upon this Treatment is the Sole Reason for Mr Secretarys Odd Behaviour which He always Shews to Your Petitioner whenever he applys at Your Lordships office either upon his or the Publick Account. Tho Your Petitioners Application is always with the utmost Civility and Respect. But Your Petitioner hopes that Your Lordships will not receive any ill Impressions from

from any Misrepresentation of your Lordships Secretary till you have allowed Your Petitioner to Justifye himself.

Your Petitioner likewise begs leave to add that he purchased for a Valuable Consideration at the Comon Markett price every Acre of Land that he was Entituled to in Carolina. That the Grant he Surrendered to the late Proprietors was by a Lawyer Appointed by them to Examine the Title Reported to be good in all Respects that the only Reason why Yr. Petr. Surrendered it were That is was more Convenient to have his Lands in Four Grants than in One, And also that he might Avoid the Imputation of a Carolina Title of Honour as by the Grant in Your Lordships Office will Appear. To which he Desires leave to Refer

Your Petitioner Therefore most humbly prays Your Lordsps to take the severall Allegations of this his Petition and Representation into your wise and Serious Consideration To the End That Your Petr. may not be Deprived of the Honour of having Served his Majestye and the Comon Weal and that he may not be Excluded from a Bounty from his Majesty by Colonel Horseys being Rewarded for what Yr. Petitioner did Chiefly perform. To that Your Petitioner has framed a Scheme for the

Generall

Generall Good of Trade of Great Britain to America which (as Soon as his health will allow) he Intends to Execute and then he Designs to lay himself at his Majestys feet and to Set forth this Service in bringing about the Surrender of the Carolina Charter in hopes of receiving Some mark of his Majestyes Royall Generosity

All which is most humbly Submitted to
Your Lordships Great Wisdom and Prudence

Copy of an Article in the Paper in Mr Smiths Custody referred to in Thomas Lowndes's Petition

Thomas Lowndes's Gratuity for his Services for Six Years and for drawing the Scheme wch induced the Ministers to treat and for supporting it by reasons in Parliament and for procuring Drafts of Port Royal Harbour and a large Manuscript Map of Carolina Allowed and Signed 9th day of June 1729	£ 700

His Warrant with severall others was directed to Edward Bertie Samr Horsey Henry Smith and Alexius Clayton Esqr Trustees for executing the Trust reposed in them by Act of Parliament And Thomas Lowndes received the Money by the Hands of the Trustees accordingly.

Beaufort
Craven
Colleton
I Bertie
H Bertie
I Cotton
S Wragg for
I Blake

Receid Feby 22:
Read D 25: } 700

B P R O South carolina B T Vol 6 f 12

(25th February 1734)

My Lords

Being at present a little at ease from two violent Distempers, with which I was tortured when I drew up my late Petition to your Lordships, and reflecting calmly upon every Step that was taken in his Majestys Purchase of the Carolina Charter, I do from the circumstances of things, aver, that Col Hascys Warrant for the 48000 Acres of Land could not possibly be signed till Febry 1731/2 after the Treaty with the Crown was set on Foot And the late Lords Proprietors, who are men of Quality and Persons of great Justice and Honour, will to be sure give Your Lordps a Satisfactory reason, why Col Hascys Warrant was antedated, for that Transaction I was in no wise privy to

25th Febry 1734

I am with the greatest respect
My Lords
Your Lordships
Your most Obedient and
most humble Servt
Tho Lowndes

Lords Comrs for Trade
Tricks will be plaid with the
Propr Minute Book if care be
not taken

Read 25 Febry
Read 28 d } 1733/4

B P R O South Carolina B T Vol 6 E 14

(26th Febuary 1734)

Sir

In return for a gross incivility, you was guilty of some time ago towards Me I intend in a few Days to print in the Grub Street Journal some Letters of Yours to Me, wrote in your private Capacity and being a Letter in your Debt was the reason I wrote my last to you, in that Style and manner.

But really I must congratulate the Publick, that a Person so engaged in Business as you are have been able to improve the Orthography of our Language, without puting the State to the Expence of an Academy. I am

Sir

Your most humble Servant

Tho Lowndes

Febry 26th 1733/4

Alured Popple Esqr

Receed 27th Febry
Read 28 Do } 1733/4

B P R O South Carolina B.T. Vol b. 215

(1st March 1733/4)

To the Right Honble the Acting Lords Commrs
for Trade and Plantations.

Thos Lowndes humbly and Solemnly protests against Your Lordships entring into the Discussion of a Complaint against Alured Popple Esq brought by the said Thomas Lowndes for as much as One of your Lordships Board on the behalf of the whole Board openly and Judicially declared "That your Lordships are prepossed in favour of your Secretary" the said Popple against whom the said Lowndes by order of your Board came fully prepared to make out his Charge of Complaint the 28th February last. And the said Lowndes is ready to abide by your Lordships Judgmt in all other Cases whatsoever.

Witnesse my hand 1st March 1733/4

Thos Lowndes

I left an Open Copy for
your Secretary

Recd 1: March 1733/4
Read 5.

B P R O South Carolina B T Vol 6 Eb.

To the Right Honble the Lords Commrs for Trade and Plantations

The humble Petition of Thomas Lowndes

Sheweth

That of the Grants your Petitioner had from the late Lords Proprietors of Tracts of Land in South Carolina which are all entred in the Books of your Lordships Office, your Petitioner is possessed of One in his own Name for Twelve Thousand Acres, which is not yet taken up.

That upon perusal your Lordps will find your Petitioner entituled by his said Grant to all Liberties Benefits Priviledges and Advantages that the late Lords Proprietors had power by vertue of their Letters Patents to grant, which words were not used in any other Grants but those of your Petitioner

That your Petitioner in the late Lords Proprietors time run out One like Barony in the Name of Charles Edwards, which was taken up in several Tracts and the Plat under the Proper Officers hand was sent over here, and approved of by the said late Lords Proprietors as agreable to their said

said Grant.

That other Persons, your Petitioner sold to, found it more for their conveniency to take up the Land contiguous

That the late Lords Proprietors were so far from being averse to your Petitioners taking up each of his Grants in small Tracts that upon his applying them, that it would be more advantagious to him, in being more satisfactory to Purchasers to have his large Grants devided into Grants for Tracts of One Thousand Acres, that so each Purchaser might have his Original Deeds in his own custody They unanimously and readily, at a full board granted his request, But your Petitioner having a very long Illness and the late Lords Propt.s living chiefly out of Town and having afterwards but very few Boards before the Treaty with the Crown began, was the Sole reason why he had not such Grants as above.

That there are in Your Lordships Office certificates to prove the above Assertion, under the Hands of Two of the late Lords Proprietors who were likewise Proxys for two more at the time of that Transaction and also One certificate under the Hand of

of Mr Shelton their then Secretary, to which Your Petitioner begs leave to refer.

That in June last Your Petitioner did a Piece of Service to the Publick, and the Reason of his then making that Stipulation with your Lordps Board was his having framed a Scheme, wch he conceives would be of great Advantage to Trade and Commerce, in the Success of which your Petitioner (under your Lordps Protection) would have found his own private Emolumt but being in a very languishing State of Health Your Petitioner is forced to drop the perfecting his Design.

Your Petitioner therefore in Order to prevent all Disputes, that may arise in Carolina between the Governour and the Surveyor General most humbly prays the Performance of the said Promise of Your Lordships Board may be applyed in giving proper Directions to the Surveyor General to run out and plan the aforesaid Barony in any Tracts of vacant Land each Tract to contain not less than One Thousand Acres. One Fourth Part Only of such Tract fronting a Navigable River or Creek.

All which is most humbly Submitted to Your Lordships great Wisdom

Rees

Recvd Janry 29: 1733/4

Read March 5 1733/4

B. P. R. O South carolina B T Vol 6 Ent.

(5th March 1733/4)

To the Rt Honble The Lords Commrs &c
for Trade & Plantations

My Lords

In Obedience to your Lordships Commands Signified to me by Mr Popple's Letter I have considered an Act passed in South Carolina in 1732 Entituled an Act to prevent any delay of Justice that may be occasioned by not drawing the Juries which are to serve at the next ensuing Court of Common Pleas General Sessions of the Peace, oyer & Terminer &c
To which I have no Objection in point of Law

I am

My Lords

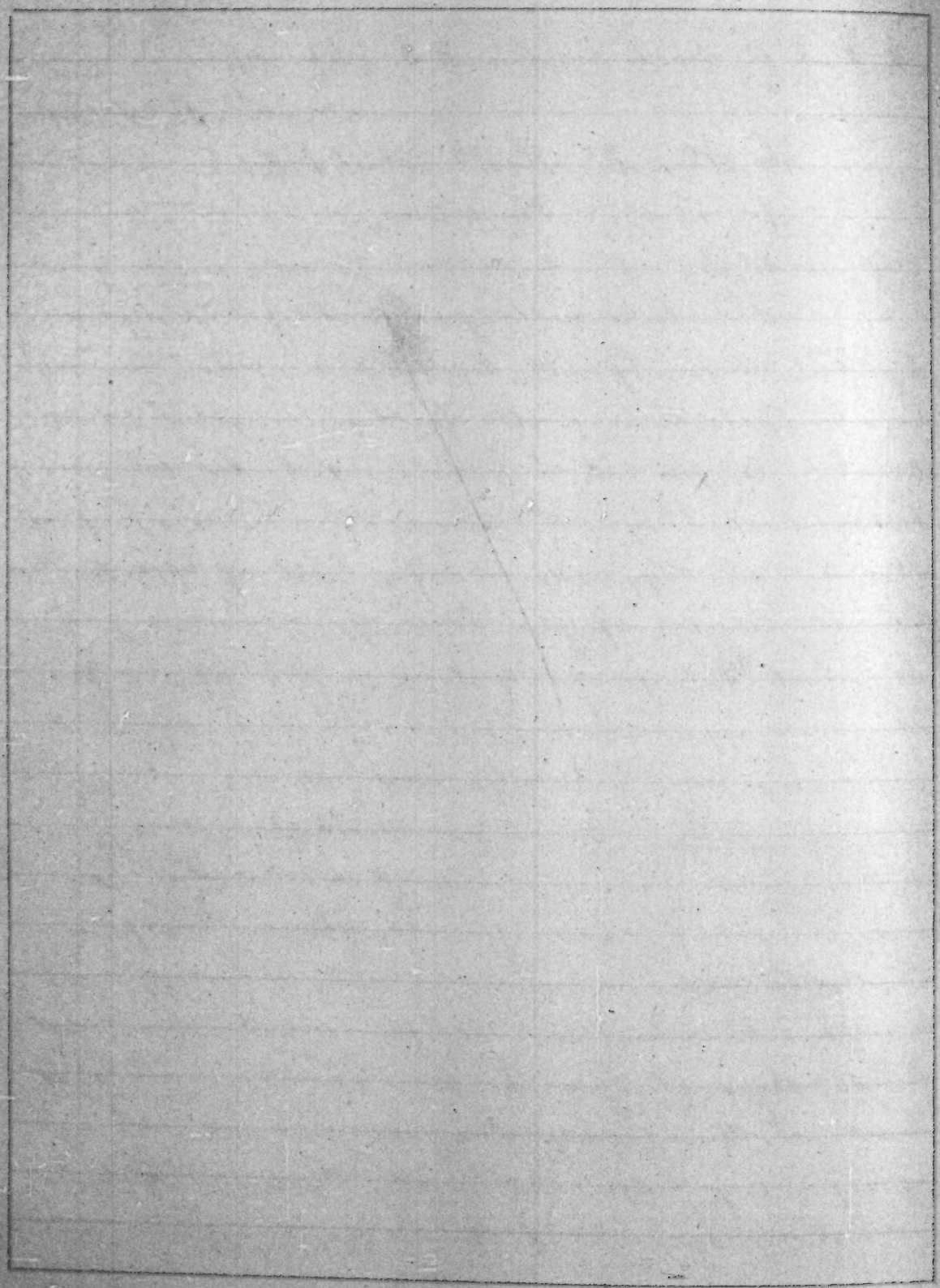
your Lordships

most obidt Servt

Tran: Jane

5th March 1733/4

Recd May 7: } 1734
Read D 11: }



B T P.O South Carolina B T Vol. 6 E 18.

(22nd March 1733/4)

At the Council Chamber Whitehall
the 22nd of March 1733

By the Right Honble the Lords of the
Committee of Council for Plantation Affairs

His Majesty having been pleased by his Order in Council of the 20th of this Instant to refer unto this Committee the humble Petition of Robert Wright Esq. Chief Justice of the Province of South Carolina, Setting forth that he was appointed Chief Justice of that Province pursuant to his Majestys Command Signified to Governor Johnson for that purpose, but that since the said appointment, An Act hath been passed impowering the Governor to Nominate two or more Assistant Justices to sit in Judgment and hear and Determine all Causes in the said Court, together with the Chief Justice for the time being, in pursuance whereof, the said Governor hath accordingly appointed two Assistant Justices Wherefore the Petitioner most humbly prays, that as the said Act is an encroachment on his Majestys Prerogative and undoubted right of appointing Judges, and as the Persons so appointed are entirely Ignorant of the Laws and overrule the

Petitioner

Petitioner in all Judicial Acts, and have pretended a Right to take several of his Perquisites, that His Majesty would be pleased to give such Instructions concerning the same, as His Majesty in His Great Wisdom shall think fit. Their Lordships this day took the said Petition into their Consideration, and are hereby Pleased to refer the same (a Copy whereof is hereunto annexed) to the Lords Commissioners for Trade and Plantations to consider thereof and Report their Opinion thereupon to this Committee

Jas Vernon

To The Kings most Excellent Majesty

The humble Peition of Robert Wright Esq
Chief Justice of the Province of South Carolina

Most humbly Sheweth

That Your Majesty has been Graciously plased by Sign Manual bearing date the 30th day of November 1780 to require and Authorize Robert Johnson Esq. Gov. of the said Province to cause Letters Patents to be passed under the Seal of the same for Constituting and Appointing Your Majty Pet. Chief Justice of and in the said Province To have hold Execute and Enjoy the said Office during Your Majty Pleasure together with all and Singular the rights Profits Privileges and Emoluments unto the said Place belonging or appertaining with full Power and Authority to hold the Supreme Courts of Judicature at such places and times as the same may or ought to be held within the sd Province.

That Your Majty Pet was accordingly constituted & appointed Chief Justice of the said Province

That since the said Appointment the Genl Assembly of the said Province has Passed An Act Entituled An Act to prevent any delay of Justice that

that may be occasioned by not drawing the Jurys which are to Serve at the next ensueing Court of Common Pleas Gen.l Sessions of the Peace Oyer and Terminer assize and General Goal delivery or on the days appointed for that purpose and for regulating the several Courts therein mentioned by which Act the Gov.r for the time being is impowered and required to nominate and appoint two or more Assistant Judges or Justices of the Court of Common Pleas with Power and Authority to sit in Judgm.t and hear and determine all Causes in the said Court to be holden for ever hereafter in Charles Town together with the Chief Justice for the time being.

That Your Maj.ty Pet.rs as much as in him lay did in Council oppose the passing of the said Act as an Incroachment on Your Majestys Prerogative and undoubted right of appointing Judges notwithstanding His Excellency the Gov.r did Ratify the same and pursuant to the Directions thereof has lately granted Commissions (therein reciting the said Act) to Thomas Deale & Tho.s Lamboll Esq.rs Persons entirely Ignorant of the Laws who according to the Powers and Authoritys in their said Commissions Granted Do not only Assume an Authority of Voting and Overruling Your Maj.ty Pet.rs

Petr in all Judicial Acts which they think proper and of Directing the Clerk of the Court in the Presence or Absence of Your Majty Petr to make such Entrys in the Records as they think fit to Order but also pretend to a Right of taking and receiving Sundry Fees Perquisites and Profitts appertaining and belonging to the Office of Chief Justice which Your Majty has been graciously pleased to Grant as aforesaid

These Matters are humbly represented to Your most Sacred Majty as high Incroachments on the Prerogative and manifestly tending to render ineffectual the Commission of Chief Justice of the Province Wherefore Your Majty humble Petr most Submissively prays that the same may be taken under Your Majtys Royal Consideration And that Your Majesty may be Graciously Pleased to give such Instructions concerning the same as Your Majesty in Your Great Wisdom shall think fit

And Your Majtys most Dutifull Subject and humble Petr shall with the utmost Loyalty and Sincerity ever Pray &c

Robt Wright

Charles Town South Carolina

December

December the 17th 1733

Recd 2d May } 1734
Read 16: D° }

Recd from Mr Hume

B P. R O. South Carolina B T. Vol 6 821

Charles Town South Carolina March 27th
1734

My Lords

Pursuant to my Duty I humbly Transmit to your Lordsps The Lists of Vessells Entred Inwards and Cleared Outwards at the Port of Charles Town for the Quarter ended at Lady Day 1734 And am with all Submission

My Lords

Your Lordps

Most humble & most

Obedt Servt

Jos Ivie Naval Office

To ye Rt Honble The Lords Comrs
for Trade and Plantations

Recd June 7th
Read Do 12th } 1734

B. P. R. O South Carolina B.T. Vol 6 E 21

(3rd April 1730)

At the Court at St James's
the 3d day of April 1730

The Kings most Excellent Majesty in Council

Whereas An Act was past in the Province of South Carolina in the Year 1696 during the time the said Province was under the Government of the Late Lords Proprietors Entituled.

'An Act for the Encouragemt of the better 'Settlemt of South Carolina

And Whereas the said Act, together with two Petitions of the Merchants of London and Bristol complaining thereof have been under the Consideration of the Lords Commissrs for Trade and Plantations and also of a Committee of His Majtys most Honourable Privy Council. And the said Committee having this day laid the said Act before His Majesty with their Opinion that the same ought to be Repealed: His Majesty is thereupon Pleased with the Advice of His Privy Council to Declare His Disallowance of the said Act. And pursuant to His Majestys Pleasure thereupon Expressed, the said Act is hereby Repealed Declared void and of

of none Effect Whereof the Governour or Commander in Chief of His Majestys Province of South Carolina for the time being and all others whom it may concern are to take Notice and Govern themselves accordingly

A true Copy Temple Stanyan

Recd June 1st
Read Do 20th } 1734

B T R O South Carolina B T Vol 6 E 22

(18th April 1730)

At the Council Chamber Whitehall
the 18th day of April 1730

By the Right Honoble the Lords of the
Committee of Council for Plantation Affairs.

His Majesty having been pleased, by His Order in Council of the 17th of this Instant, to refer unto this Committee the humble Petition of Colonel John Peter Purry, Praying for the reasons therein contained that his Majesty would be Graciously Pleased to Order the Governor of South Carolina to cause the Six Miles round the Township of Purrysburgh (on that side of the River where the said Township is Situated Originally intended by His Majesty Instructions for the Bounds of the said Township) to be Surveyed and set apart for the use of the said Town, notwithstanding any Surveys made thereof since the said Town was first set out, and that the said Lands may be reserved, as well for the intended Grant of forty eight thousand Acres to the Petitioner, as for the use of such Swiss or other Foreign Protestants whom the Petitioner or his Agents have, or shall cause to be transported, to Settle and

occupy

occupy the same, and that such of the most Substantial and Prudent Inhabitants as are employed in directing and assisting the rest to make their respective Settlements, may, in Consideration of their Charge and trouble respectively be allowed such Additional Quantity of Lands within the Six Miles Limits round the said Town by the Governor of South Carolina, as shall be thought to be an Adequate reward for their Services, Provided that the Lands of any one Person do not exceed three hundred Acres and that their Services be Certified to the said Governor by the Petitioner And further humbly Praying, that such of the Inhabitants whose Lotts are Situated on the aforesaid Rivulet (on Condition of their Cleansing and Clearing the said Rivulet) may be allowed a Double Lott in the said Town in Consideration of their Extraordinary Charge and labour in Performing that Work — And that as several Foreign Protestants have been Obliged to fly their Country in Germany and other Parts of Europe for the Sake of their Religion, and who are well Skilled in the Production of Silk and Wine, are willing to go and Settle at Purrysburgh, he humbly Prays that they may be reputed and received amongst the Number of

Swiss

Swiss Protestants whom the Petitioner has obliged himself to carry to that Place. The Lords of the Committee in Obedience to His Majestys said Order of Reference did this day take the said Petition into their Consideration, and are hereby Pleased to Refer the Same (a Copy whereof is hereunto annexed) to the Lord Commissioners for Trade and Plantations to Consider thereof, and Report their Opinion thereupon to this Committee.

Temple Stanyan

(Enclosure)

To the Kings most Excellent Majesty

The humble Petition of Colo John Peter Purry

Humbly Sheweth

That Your Majestys Governor of South Carolina Robert Johnson Esqr (in pursuance of Your Majestys Royal Instructions to him) caused a Township to be Surveyed admeasured and set apart on the Savanah River in the said Province since called Purrysburgh containing 20000 Acres and Issued a Proclamation bearing Date the 1st September 1731 forbidding

bidding any Persons whatsoever to Survey or take up any Lands within Six Miles of the said Township such Land being by Your Majestys said Royal Instruction Ordered to be reserved for the use of the said Town.

That the said Township was at the request of the Petitioner by the said Governor Declared to be for the use of a Colony of Swiss Protestants designed to be Settled and many of which are since by the Petitioner transported and Settled there and many more designed to be so sent and Settled for the better Peopling that part of Your Majestys said Province.

That Your Majestys said Governor (some convenient time after the Survey of the Township) caused also a Survey to be made of the Six Miles contiguous, when the Surveyors employed found that several Persons (notwithstanding the said Governors Prohibitions by his Proclamation and Subsequent thereto) had under divers Pretences caused to be Surveyed all or most of the South and East Sides of the Lands adjoining and contiguous to the said 20000 Acres laid out for the said Township which are the best and most Valuable Lands so that the Petitioner

will

will be Defeated by Your Majestys Bounty and Gracious Intentions of Granting the said Lands to such Swiss Protestants as he the Petitioner does design and has contracted to transport thither, And that the Petitioner will also be deprived of having in the said Six Miles 48000 Acres granted him by Your Majestys Additional Instruction to the said Governor as a reward for the Petitioners trouble and extraordinary Expences in carrying on the said Settlement.

That the Petitioner has addressed himself to Your Majestys Governor aforesaid complaining of this Intrusion but the said Governor apprehends himself not fully impowered to remove such Persons pretending a right for having Surveyed the said Lands anteceden[t] to the Survey of the said Township, or the Six Miles contiguous altho the Petitioner is ready to prove and it is indeed admitted that the Situation of the said Township was fixed and agreed on and the Governors Proclamation issued forbidding any such Surveys long before such Surveys for the Persons claiming were under.

Your Petitioner begs leave further to represent to Your Majesty that several Persons of Substance and Prudence whom has and will be appointed as

Overseers

Overseers to protect advise and assist the rest of this new Colony in Settling the said Township have no Salary or Allowance for their trouble and daily Attendance altho they are unavoidably liable to several extraordinary Expences on that Account

That the said Town of Perrysburgh for conveniency of Navigation is Settled on a Swamp or Morass on the side of a River and that as well for health as Convenience it will be necessary to drain the said Morass which will be very expensive to those whose Lotts are Scituated on a Rivulet which runs thro the Town

Therefore Your Petitioner most humbly Prays Your Majesty would be Graciously Pleased to grant him Your Majestys Royal Order to the Governor to cause the Six Miles round the said Township (on that side of the River where the said Township is Scituated Originally intended by Virtue of Your Majestys Royal Instructions for the bounds of the said Township) to be Surveyed and set apart for the use of the said Town Notwithstanding any Surveys made thereof since the said Town was first cut out and that the said Lands be reserved as well for the intended Grant of 1000 Acres to the

Petitioner

Petitioner as for the use of such Swiss or other Foreign Protestants as the Petitioner or his Agents has or shall cause to be transported to Settle & occupy the same.

Your Petitioner further Prays Your Majesty that such of the most Substantial and Prudent of the Inhabitants as are employed in directing and assisting the rest to make their respective Settlements may in Consideration of their Charge and trouble respectively be allowed such Additional Quantity of Lands within the Six Miles Limits round the said Town by Your Majestys Governor of South Carolina as shall be thought to be an Adequate reward for their Services Provided no one Persons Additional Lands do Exceed 300 Acres. and that their Services be Certified to the said Governor by Your Petitioner

Your Petitioner also most humbly Beseeches Your Majesty that such of the Inhabitants whose Lotts are Situated on the aforesaid Rivulet on Condition of their Cleansing and Clearing the said Rivulet may be allowed a Double Lott in the said Town in Consideration of their Extraordinary charge and Labour in performing that Work, and as several Foreign Protestants who have been obliged to fly

fly their Country in Germany and other parts of Europe for the sake of their Religion and are well Skilled in the Production of Silk and Wine are willing to go and Settle at Purrysburgh Your Pet.r most humbly intreats Your Majesty that such Persons may be reputed & received amongst the Number of Swiss Protestants which Your Pet.r has obliged himself to carry to that Place

And your Pet.r as in Duty bound shall ever pray.

Charles Purry
Agent for Col.o John Peter Purry

Recd 11.th May
Read June 20.th } 1732

B.P.R.O. So Carolina B.T. vol 26 p. 95.

18th April 1734.

To the Kings most Exce Majesty.

May it please Yor Majesty.

An Act was passed in your Majesty's Province of South Carolina, on ye 15th day of Feb. 1723 entituled An Act for settling the Estate of Richard Beresford Esqr Deceased.

We have consulted Mr Fane, One of Your Majesty's Council, upon this Act, Who hath made several Objections thereto, in point of Law, the principal of which are, that the Legislative Bodies of South Carolina have by this Act made great Alterations in the Will of the aforesaid Richard Beresford, having taken part of his Estate from one of His Sons, and given it to another, & altered certain Limitations and Bequests, Expressly contrary to the Direction of the said Will; which should it be allowed might prove a Precedent of ill Consequence to Your Majesty's Subjects in this Colony, and derogatory to the Statutes in Force concerning Wills; the Act is likewise unprovided of the proper Saving Clauses, which ought to be inserted in all private Acts. And we beg leave to Acquaint Your Majesty that the Reason why no

complaint

complaint hath been made against this Act during the several Years which it hath lain in Our Office is that the eldest Son of the said Mr Beresford, whose interest it was to Sollicite the Repeal of it, is but lately come of age, and having now made his application to Us thereupon, We humbly take Leave to lay the said Act before Yor Majesty for your Disallowance.

Which is most humbly submitted

Whitehall
April 18th 1734.

Westmoreland.
Edw Ashe.
Orl. Bridgeman.
M. Bladen.

B.P.R.O. A+W.I. Vol. 19. p. 60.

Charles Town 2d May 1734.

My Lord

The first Session of the New Assembly ended the Ninth of last month, when 17 Bills were assented to, which shall be transmitted to the Lords for Trade as soon as possible.

By this conveyance (which is the Aldborough Man of War, in which Mr. Oglethorpe takes his Passage for England) I send to Mr. Fury our Agent, the Humble Address of the Governor Council and Assembly of this Province to His Majesty; the Humble Remonstrance of the same on the Currency, and the Memorial and representation of the state of the Province, as to the Danger we are in from our Neighbouring French Spaniards and Indians.

The Assembly have made Provision for mounting the Artillery and we shall take all the properest measures we are able to put Ourselves in the best posture of Defence, in case the Rupture in Europe should happen to affect this part of His Majesty's Dominions.

I have nothing more to Impart to Your Grace at this time, but that I am with great respect.

My

His Grace the D. of Newcastle

My Lord

Your Graces most humble &
and most Obedient Servant
Robt Johnson

B. P. R. O. South Carolina B T Vol 6 E 20

(7 May 1724

To the Rt Honble the Lords Commissrs for Trade & Plantations

May it Please your Lordships

By a Letter from his Excellencie Robert Johnson Esqr Govern of South Carolina Dated the 22d of Novemr last past. I am Commanded to Acquaint your Lordships that by the Advise of his Majestys Councill, He had removed Thos Cooper Esqr from his place of Assistant Judge of the Court of Pleas in that Province until his Mats Pleasure be known, & that he has appointed —— Dale Esqr in his Stead And that their reasons for so doing were, Because the said Cooper had taken upon him to Publish and affix in a Publick place at Port Royal, that he would dispose of his Majesties Land in that Province to such as wanted and would Apply to him and Company. And that on such an Application they should have the Mesne Conveyances under Patents confirmed to them. which Advertisement he Subscribed Cooper Rothmoller and Company. And for that when the Governour had sent to the Collector of his Mats Customs at Port Royal to transmit to him

him and his Ma.ty Councill the said Advertisment & it was Inclosed in a Sealed Letter, and sent by one Lewis Pacquereau & directed for his Ma.ty Service to the Clerke of the Councill. He the said Cooper intercepted the Delivery of the same, by going to the Lodgings of the said Pacquereau, & takeing it away from him in a forcable manner; as appeared to them by several affidavits, coppys of which are herewith annext.

All which doings, they the said Govern.r & Councill look upon as a great Contempt of his Ma.ty Authority vested in them. To whom the sole power is given of disposing of his Ma.ty Lands in that Province, And that the same was done (as they Judged) with a Design to Create divissions and contentions, And to Stirr up the People to Tumults and Sedition.

And that the said Gov.r and Councill have also thought fitt & proper to appoint Thomas Lamboll Esq.r to Succeed Daniel Green Esq.r as an Assistant Judge of the said Court He being come for England for the Recovery of his health which is humbly Submitted to y.r Lordships.

By the Governours Command Jos Yonge

(Enclosure)

South Carolina Ss

Louis Paturreau who being duly sworn on the Holy Evangelist of Almighty God. Did declare that he had received a large Packett from William Reeves Collector of Porte Royall, and that he was ordered to delever the said Packett sealed up to the Clerk of His Majesty's Honble Council, which Packett he left at Mr John Bonneaus at Stono for Reason that he had been informed that Two Boats were in Persuit of Him to take the said Packett away. and that Doctr Thomas Cooper sent him up with the said Reeves to Port Royall in order to fetch the said Packet and told him to burn the said Packet, and if he would so do he should be well rewarded, and if he should happen to be put in Prison if it shd cost the said Cooper One Thousand Pounds, he would immediately take him out, and that he shd not stay there Two Minutes for Nobody could hurt him; And that last night he happened to meet Mr Meyer Mr St Johns Clerk who told him that if he would show the said Packet which he received from Mr Reeves at Port Royal he would give him Fifty Pounds, and that the said

Doctr

Doct^r Cooper being asked whether he would not satisfie Paterean for His Trouble in going for the Packet, and upon his telling the said Cooper it was burnt he gave an Order on M^r Richard Lambton for Seven Pounds which he accordingly received

Louis Patureau

Jurat Coram Me

11 Die Maii 1733

Theo^s Gregory Mag^r in Can^r

This is a true Copy of the Original Examined by me

I. Badenhop Cler. Con

(Enclosure)

South Carolina

Council Chamber 25^th May 1733

The Depositions of Joseph Raper who being duely Sworn on the Holy Evangelists Deposeth

That on Thursday last was Sev'night to the best of his Memory he went to the house of Lewis Patureau, and seeing the said Patereau's wife he asked her what was become of the Letter her Husband brought for the Governour the night before.

That the said Patereau's wife (Elizabeth Patereau) told him this Deponant that D^r Cooper came

came that Morning to her House before her Husband was up, and asked her whether her Husband had brought any Letters for him. That she told him, he had brought none for him; but one for the Governor That Dr Cooper told her the said Elizabeth that it was not for the Governor, but Private Letters, and Petitions belonging to himself. That she the said Elizabeth told the said Doctr her Husband would be ruined if he took the said Letter away, the Governor having threatned him if he did not bring it safe to him. That the said Elizabeth told the Depont, that the said Dr Cooper took the said Letter from under her Husbands Hat, and that she had seen the said Letter in the said Doctr Coopers Hand. That Lewis Paterean told this Deponent that hearing Dr Cooper go out of the House, he the said Paterean got out of Bed, put on his Breeches, and run into the Street after the said Dr Cooper, and told him he should be ruined if he did not return him the Letter in order to deliver it to the Governor. That the said Doctr Cooper told him he need not be afraid, that he would bear him harmless, and that he would acquaint the Governor he had taken it. and

this

this Deponent further Saith that the said Lewis Pateream told him the said Letter was directed on His Mayties Service to the Secretys and further this Deponent Saith not

Joseph Raper

Sworn before me in Council
this 26th day of May 1733

A Shene

A True Copy of the Original Exd by me

I. Badenhop Clk Coun

(Enclosure)

South Carolina

In the Council Chamber ye 26th May 1733

The Deposition of Elizr Pateream, who being duely Sworn on the Holy Evangelist Deposeth

That Dr Cooper came to Her House one Morning, She believes about 8 or 9 Days ago, and asked her where the Letters were Her Husband had brought for him, She told him She knew of none, that there was one Letter, which She thought was for the Governor, and that Her Husband was to carry it to the Governor

She

She said She never saw the said Letter before Dr. Cooper came and took it; that she saw it in his hand, and told the Dr, that she was Afraid she should come to Trouble if he took it away, that thereupon Dr. Cooper told her she need not be Afraid, they were nothing but his Private Letters, and that he would acquaint the Governor he had taken it.

This Deponent further saith that Her Husband told her, that the Letter Dr. Cooper took away was for the Governor.

That Her Husband asked Dr. Cooper what he should say to the Governor, who would be very Angry with him, and that the said Doctor told him he would bear him harmless.

This Deponent further says, that she heard Her Husband say, that he run after Dr. Cooper in the Street and asked him for the said Letter, upon which the Doctor told him he need not be uneasy, he would bear him harmless.

Being asked whether Dr. Cooper had been with her since he took the said Letter, She answered no, but that she met him Yesterday in the Street, and that he asked her where she was going

going, she answered to Mr Cattles, he the said Dr Cooper told her that in case she was sent for and Examined concerning the said Letter, She Should Say She verily believed he (Dr Cooper) had taken it.

This Deponent further Saith that after Dr Cooper was gone, Her Husband Said to Her, what shall I do now the Doctor has got the Letter which I was to deliver to the Governor, and that she said to him thereupon You must tell the Governor that Dr Cooper took it away. & further this Deponent Saith not.

Elizabeth Paterson

Sworn before me in Council
this 25th Day of May 1738
A Skene

This is a true Copy of the Original
Examined by me
I Badenhop Clk Con

Recd 7h. } May 1738
Read 11h. }

B P R O South Carolina B T Vol 7

E 93

Charles Town 24th May 1731

To Allured Popple Esqr

Sir

I have the favor of yours by Mr Hall who arrived 4 or 5 days age and had the misfortune to be 18 weeks on His passage so that I fear the Hemp seed is come too late to sow but I hope we may get seed from it for the next year, for seed of two years old will not grow. As to the Ordnance I find my Enemies let nothing slip that they think can throw any reflection on me, what has been reported to the Board of ordnance is false I encloze you the Armorers and Gunners report concerning it. given before the Notary Public and attested by him. I am sure the Ordnance ever since it has been landed here has been the same care of as is taken in His Majestys Yards in England

The Assembly this Sessions among other provisions for the current year have provided in the Tax £3000 Currency for mounting the aforesaid ordnance which considering our poor circumstances and large Tax for the current year amounting in the whole to £41511 is a great point gained

As to the petitions of London and Bristol Merchants relating to the act passed in 1696 for the better settlement of South Carolina I dont find but it is very indifferent to the province if it subsists or not, but as to the Appropriation Act the General Assembly hearing of the said petition have in a Humble Memorial and Representation to His Majesty set the facts in a true light together with their Reasons but know not if they will arrive time enough being sent from hence but about 14 days ago we must therefore wait His

Majestys

Majestys pleasure thereupon. all I shall say is that most of the merchants here think their friends are prejudicing themselves by endeavoring to have that Law disannulled and that they have very unadvisedly been drawn into such application by people who had private views in the repeal of that Law. and it will be very difficult to obtain the sum of £10400 appropriated to be paid by Negro Duty by that Law to be levied upon Lands and Negros only. for it is thought to be more than the country can bear in their present circumstances. when there is a likelihood of their present charge being increased much less make other provision for subsisting of new comers. which hitherto by the assistance of that Law. they have readily done as well for Georgia as those who come here to a great amount the account of which and all disbursements of the public is getting ready to be sent to their Lordships. It is above 3 months ago that the Journals of the Upper and Lower House and Minutes of Council were sent. which completed the whole from my coming here to the end of the last Assembly the Acts passed were sent at the same time to their Lordships I enclose to be laid before their Lord^{ps} the proceedings of the Council in relation to the dismissing D^{r} Cooper from being an Assist^{t} Judge & this I do agreable to my 48th Inst^{o} altho' I do apprehend it does not strictly relate to officers appointed by a Law of this province and a place of no profit but merely honorary. I hope their Lord^{ps} will be of opinion that so gross an insult as taking away of Letters directed on His Maj^{ts} Service to the Clerk of the Council & stopping the Councils proceedings against him. if those Letters had appeared they would have discovered a scene of Iniquity and confederacy in him and others in wronging people of their lands. his Insolence upon other occasions to the Gov^{r} has been very great. I will hasten the sending the Laws past this Session as soon as possible I am Sir

Your most humble servant

Rob^{t} Johnson

Rec^{d} 23 July 1734
Read 26 Aug 1735

B P.R.O South Carolina B 3 Vol 7

E.94 21 May 1734.

South Carolina Be it Known and Manifest unto all persons to whom these presents shall come or may concern That on Tuesday the Twenty first day of May in the year of Our Lord one Thousand seven hundred and Thirty four. And in the seventh year of the Reign of our Sovereign Lord George the Second by the grace of God of Great Britain France and Ireland King Defender of the Faith &c

Personally came and appeared before me Theophilus Gegery sole Notary publick of the province of South Carolina By lawful Authority admitted and Sworn dwelling in Charles Town: Thomas Lloyd Gunner and Armourer of Charles Town aforesaid Gent. who being sworn on the Holy Evangelist of Almighty God Did alledge affirm and upon his oath declare and say that all and sundry the Ordnance and other stores which were Imported in the Ship (Loyal Judith) from Great Britain about the Eighth day of August. which was in the Year of our Lord One thousand seven hundred and Thirty one. Were then by order (of His Excellency Robert Johnson Esq Captain General Governor and Commander in Chief in and over this His Majesty's province of South Carolina) carefully got on Shore on Trucks made and provided for that purpose. Nineteen of which pieces of Ordnance were drawn up and laid on Skids within the Front works of the Town The Mettle was raised the Touch Holes laid downwards. and Tompkins were put in the Muzzles of each Ordnance. and each of them were accordingly Tarred And all other the Ordnance were also in like manner carried on Trucks into Granvilles Bastion and laid on Skidds in the same manner

and

and with the same care and so they all continue to this day in the same manner and form as His Majestys Ordnance lies at Woolwich or any of His Majestys Gun Wharves in Great Britain which are unmounted And that all the remainder of the stores were put into a Good Ware-house, Which were and are at this present time taken proper care of by His Excellencys Orders t so the ordnance remains and continues in good order to this time In Witness whereof I have hereunto set my hand the day and Year above written

Thomas Lloyd

Quod attest. Manu et Sigillo
Theop^s Gregory
Not. Pub.

Rec^d 23 July 1734
Read 28 Aug 1735

B. P. R. O. A + W. I. Vol. 621.

(12 June 1734)

Sr

I believe you are sensible of the hardship Mr Berwick has lain under, by Consul Read's not having given him the least allowance for doing the duty and Office of Consul at Tripoli, where his Brother still remains. If what he desires in the inclosed Petition, is given by the Duke of Newcastle I hope his Grace will please to give it to him, and I doubt not of your assistance in such a compassionate case

I am

Sir

Yr most humble Servt

C ha: Wager.

Parsons Green

12 June 1734.

Honble Mr Delafaye.

Enclosure

(Enclosure.)

To His Grace The Duke of Newcastle His Majestys Principal Secretary of State.

The Humble Petition of John Beswicke

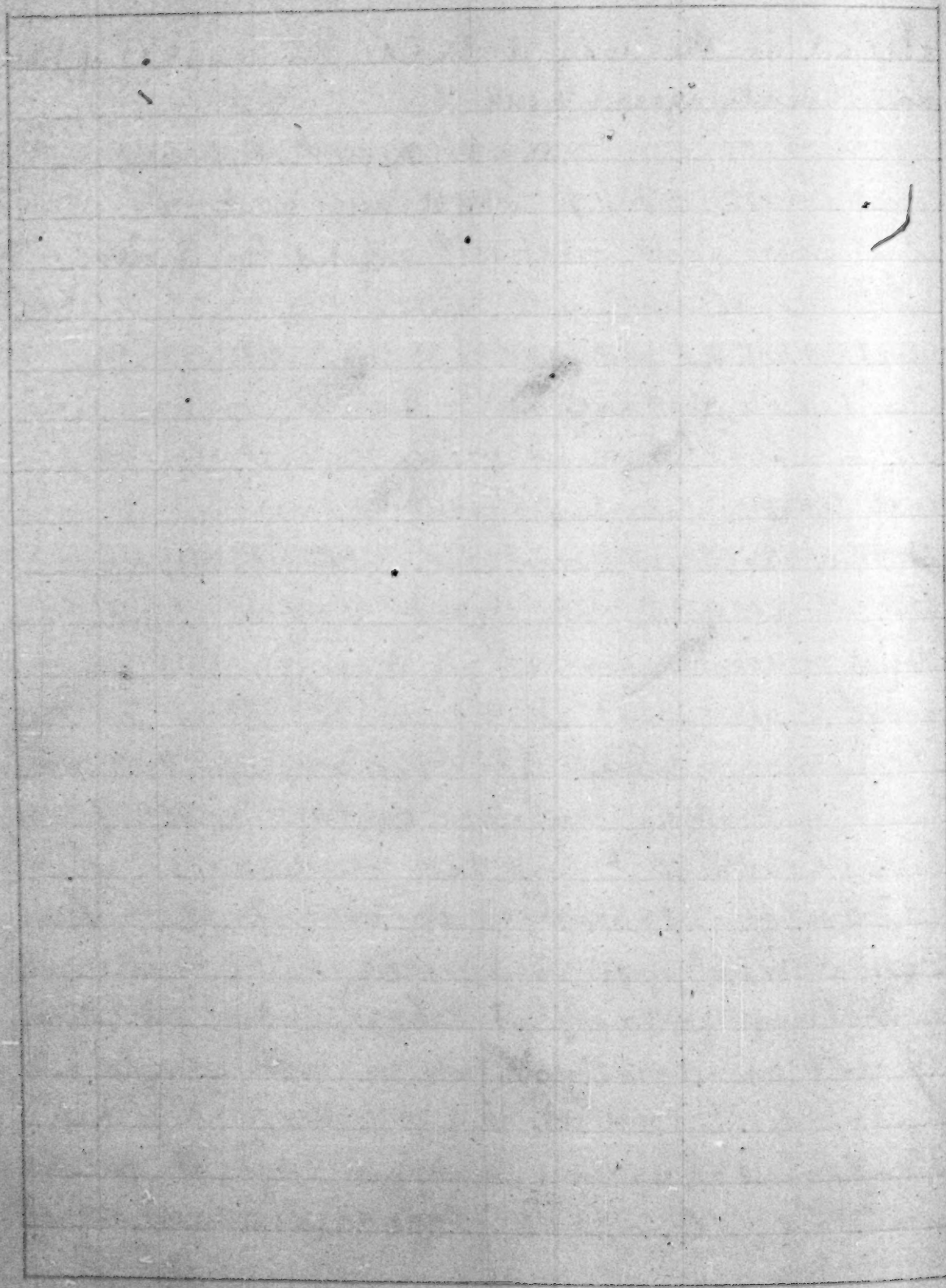
Sheweth that your Petitioner being informed by a relation lately arrived here from Charles Town In South Carolina of a vacancy in that place of the Office of Clerk of the Markets, and that His Majestys Subjects residing there labour under some hardships and inconveniences for want thereof and as the Petitioner hopes Your Grace is sensible and well satisfyed that he has fullfilled his duty in His Majestys and the Nation's service at Tripoly not only in the absence of the late Consul Boddington, but also ever since His Majestys present Consul Wm Reed Esqr was nominated (which is now four years ago) and that Your Petitioner is a great sufferer by the same the consideration of which he hopes will the readier induce Your Grace to comply with his humble request by granting Your Petitioner His Majestys letter for the above mentioned place of Clerk of the Markets of Charles Town, in which station he hopes to give a general satisfaction in all respects, as having had a long experience

abroad

abroad in the way of Trade for upwards of five and twenty years past

And Your Petitioner shall ever pray &c

John Berwicke.



B. P. R. O South Carolina B. T. Vol 6 C 23.

(25 June 1734)

List of several Tracts of Land taken up within the Township of Purrysburgh in answer to 2 Queries delivered to Col Purry June 20th 1734.

Robert Thorpe had 12000 Acres admeasured and laid out for him upon Mr Hos Lowndes Patent the 3d day of janu.y 1731.

John Roberts Esqr had 12000 Acres admeasured for him the 25th day of febr.y 1731.

Arthur Middleton Esqr One of his Majesties Council, 4705 Acres admeasured for him the 19th day of May 1733.

Paul Jenys Esqr Speaker to the Assembly 3000 Acres admeasured for him the 5th day of Aprill 1733.

Coll Samuel Prioleau 3250 Acres surveyed for him the 20th of June 1732.

Captn Stephen Bull 700 Acres laid out for him the 7th day of Aprill 1732.

His Excellency Robert Johnson Esqr 1000 Acres dated the 9th day of janu.y 1732.

Coll Thomas Broughton 4000 Acres dated 21st janu.y 1732.

The Dates of the above several Tracts are pursuant

pursuant to the several Certificates and Platts, returned into my Office, by my Deputies. Given under my hand the 15th day of Sept: 1738. at Charles town in South Carolina

Ja: St John Surv: Gen:l

Copy. N. B.

Coll John Fenwick surveyed without any authority, and since his Majesties purchase for himself and Mr Hudson two Baronys, one whereof by Computation, is within Six Miles bounding of Purrysburgh, the plott of which said Baronys. Mr Fenwick never returned into the Kings Surveyor general office.

Rec:d
Read } June 25th 1744

B. P. R. O. South Carolina B.T. vol 6 E 24

Charles Town 30th April 1720

My Lords

The first sessions of the New Assembly ended the 9th of this month, when 17 Bills were assented to, which shall be transmitted to your Lordsps as soon as possible.

By this conveyance which is the Aldborough Man of War (in which Mr Oglethorpe takes his passage for England) I send to Mr Surry Our Agent, The Humble Address of the Governour Council and Assembly of this Province to His Majesty; The humble Remonstrance of the same on the Currency, and the Memorial and Representation of the State of the Province as to the Dangers we are in from our Neighbouring French Spaniards & Indians.

The Assembly have made Provision for mounting the Artillery, and We shall take all the properest Measures we are able to put our selves in the best Posture of Defence in case the Rupture in Europe should happen to Affect this part of His Majty Dominions.

I have no more to Impart to your Lordships at

at this time, but that I am with great respect

My Lords

Your Lordships most humble
and most Obedient Servant
Robert Johnson

Read July 2d } 1731
Read Do }

B. P. R. O. South Carolina B. T. Vol 6 E 25

(13th July 1730)

Monsieur.

Vous m'avez temoigné tant de bonté & tant d'affection pour mon Entreprise de Purrysbourg que je croirois manquer a mon devoir Si je ne vous communiquois pas la crise ou elle se trouve aujourd'huy & le grand danger où elle est d'échouër dans le temps qu'il semblait qu'elle avoit deja réussy & comme je prends la liberté de vous demander vos avis & d'implorer votre Secours dans cette affaire, permettez moy, Monsieur, de vous représenter sourétable Etat avec les causes du malheur qui la menace.

Lors que j'entrepris d'etablir une Colonie de 600 Suisses, Sur la Savañā vers la frontiére Meridionale de la Caroline, ne n'avois pas l'Argent nécessaire pour faire réussir cette Entreprise, ny ne pus en obtenir du Gouvernement, mais Sa Majesté eut la bonté de faire expédier une instruction a Son Gouverneur portant ordre de me faire un Grant de 48000 Acres de Terres contigüës au Township que j'etablirois. Luy que je ne dusse avoir ces Terres, qu'aprés avoir fait passer 600 Suisses en Caroline & qu'il fut fort à craindre dans la naissance de cette affaire qu'elle ne reussiroit point

point, Je ne laissay pas de trouver des amis genereux, qui mens par un Esprit du bien Public & de celuy qu'ils me souhaittent en particulier, voullurent bien courir le risque de l'evénement & m'avancer Sur une partie de ces Terres, les sommes dont j'avois besoin pour survenir aux frais d'un premier embarquement de Suisses, lequel j'executay heureusement par leur moyen, ayant fait passer a Purrysburg 260 Suisses tant hommes que femmes & Enfans, que j'y ay étably. & comme se Sont trouvés entre des gens laborieux & qu'il y est aussy allé des Personnes de reputation & d'une excellente Conduite qui les ont aidé de leurs Conseils & encouragé par leur Exemple, J'ay eu la satisfaction de voir ces commencements prosperer au delà de mes espérances. Je les laissay dans cet Etat au mois d'Aoust dernier que je revins a Londres ou mes amis incités par ce premier Succés, consentirent que je retournasse en Suisse pour en ramener d'autre monde afin de rendre complet mon nombre de 600 Suisse, & promirent de continuer à m'avancer Sur mes Terres tout l'argent qu'il faudroit pour les transporter à Purrysby J'ay donc été en Suisse, j'y ay engagé pour La Caroline 3 à 400 Personnes Suisses, qui sont actuellement en Route pour Calais, ou ils doivent tous se

rencontrer

recontrer le 25me de ce mois afin de s'y embarquer.

Mes Amis ayant apris que des gens avides du bien d'autruy, ont fait mesurer toutes les Terres des environs de Purrysbourg & se les sont aproprièes (pretendant en avoir le droit par des Grants des Seigneurs Proprietaires) en Sorte que je ne puis pas y avoir les miennes; ne veullent plus m'avancer les Sommes nécessaires, disant qu'ils aimeront mieux perdre ce qu'ils ont déja fourny, que de s'enfoncer plus avant dans une affaire qui requiert de gros débours & dans laquelle il n'y a mille Sureté pour eux, ny pour moy, depuis qu'on m'a pris mes Terres Cependant voicy Sur quoy je les engageay dans cette affaire

En 1730 Sa Majesté envoya des instructions Generales à Son Exc. Mons.r Le Gouverneur Johnson ordonnant qu'on établiroit en Caroline Onze Villes, dont Purrysbg en est une

Par l'article 43 de ces Instructions, il est dit qu'aussy tôt qu'on auroit marqué un lieu pour y bâtir une Ville, on mesureroit un Carré de 20,000 Acres pour former Le Townships & un Circuit de Six milles autour de ce Townships pour estre réservé aux habitans du Townships & leur estre distribué

à

à mesure que leur nombre & leurs moyens augmenteront.

Par l'article 46 Que nulle Personne prelendant avoir droit de prendre des Terres en Caroline, en vertue de Grants donnés précédem^t par les Seigneurs Proprietaires, ne pourra les prendre dans les Six miles réservés au tour des Townships.

Estant à Charles Town au mois de May de l'Année 1731 Le Gouverneur me donna diverses Personnes pour aller choisir un Terrain propre ày batir une Ville, & il ordonna à l'Officier qui commandoit au fort Apalachuchlas de m'accompagner. Nous choisimes le Great Yamassees Bluff nous le marquames pour être le lieu ou les Suisses bâtiroient leur Ville, & c'est en effet là, qu'est a présent Purrysburg.

Le Septembre 1731 S.t Ex.e Le Gouverneur Johnson fit publier une Proclamation portant défence à qui que ce fut de prendre des Terres dans le Township, ny dans les Six miles réservées au tour de Purrysburg.

Au mois de Juillet 1732 Sa Majesté ordonna

ordonna au Gouverneur par une instruction particuliére, qu'on fit mesurer mes 48,000 Acres dans les Terres les plus contigues au Township, & qu'on me les réserva pour m'etre données lors que j'aurois mené les 600 Suisses en Caroline.

C'est sur la foy de ces Actes publics que j'ay fondé mon entreprise, c'est sur eux que mes amis m'ont avancé de l'argent & qu'ils devoient m'en avancer d'autre pour la parachever. Cependant au mépris des Instructions de Sa Majesté & de la Proclamation du Gouverneur cy dessus mentionnée, Les Sieurs Thorpe, Roberts & divers autres, même aprés la dite Proclamation, ont fait mesurer les Terres contigues au Township de Purrysbourg, prétendant qu'en vertu de Grant de My Lord Carteret, ils avoient le droit selon les loix de la Caroline, d'y prendre des Terres par tout ou ils en trouveroient de vacantes & que celles la n'estant pas mesurées estoient vacantes. Le malheur est qu'a cause des mésintelligences qu'il y avoit en Caroline entre Le Gouverneur L'Assemblée & Le Surveyor General les Terres de Purrysbourg n'ont pas été mesurées comme elles auroient deu l'estre dés que j'eus marqué le lieu de la ville de Purrysbourg. J'ai

que

que c'est un défaut de formalité mais ce défaut de formalité ne détruit cependant pas le droit que Sa Majesté a de disposer des Terres vacantes en Caroline, celles en question estoient vacantes lors que je marquay de Great Yamassee Bluff pour estre le lieu ou l'on bâtiroit Purrysbourg Des lemoment que je l'eus marqué elles n'estoient plus vaccantes, Sa Majesté en avoit des lors disposé, puis que par des Instructions antecédentes Elle ordonne qu'aussy tôt, que l'on aura marqué un lieu, pour y batir une Ville, Un Carré de 20000 Acres & Six miles au tour de ce Carré seront reservés pour les habitans, & dans ces mêmes Instructions Elle donne les motifs pour les quels Elle veut que cela soit ainsy, a Scavoir Afin qu'il y aye toujours des Terres a distribuer a mesure que le nombre & les moyens des habitants du Township augmenteront, & afin que ces habitans estant ainsy Scitués & ramassés, puissent se secourir & s'assister les uns les autres non Seulement dans leurs affaires Civiles mais aussy contre les incursions des Indiens.

Ces raisons sont judicieuses & fortes & de l'execution de cet ordre dépend la prospérité de Purrysbourg. Si je n'avois pas couté qu'on l'executeroit

je

je n'aurois pas fait mon Entreprise. Sa Majesté avoit indubitablement le droit de disposer de ces Terres pour le moins autant que My-lord Carteret Messrs Thorpe, Roberts & autres ayant connoissance des Instructions de Sa Majesté & de la Proclamation du Gouverneur auroient dû s'abstenir de prendre des Terres, dont Elle avoit déja disposé ils pouvoient sur leurs Grants de My lord Carteret en aller prendre ailleurs il n'en manque pas en Caroline

D'un autre côté ces 3 a 400 Suisses qui viennent à présent n'ont pas quitté leur patrie pour aller courir les mers & habiter un autre hemisphere sans s'estre informés de quelle maniére ils y seront receus, quels avantage ils y trouveront & quelles sûretés j'avois de ce que je leur promettois: Pour les tranquiliser sur tout cela je leur ay dit que j'avois marqué selon les ordres du Roy & du Gouverneur, un endroit pour y bâtir une Ville, que j'y avois deja mené des habitans; Je leur ay fait voir les Articles 43 & 46 des Instructions de Sa Majesté & la Proclamation du Gouverneur cy dessus mentionnée, l'Acte de l'Assemblée de la Caroline qui aproprie un fonds pour des Provisions &c Je leur ay dit que pour sûreté de l'exécution de toutes ces choses ils

avoient

avoient la parole Sacrée de Sa Majesté & ses ordres
réiterés au Gouverneur de La Caroline. Ce Sont Sur
ces assurances que ce Peuple s'est mis en chemin.
Que va-t'il, devenir à present que par la prise
de mes Terres, Je ne trouveray pas le moyen de les
faire transporter. & Supposé que des Personnes
genereuses aplanissent cette difficulté & qu'on les
transporte, Que deviendront ces pauvres gens, lors qu'
arrivés à Purrysbourg, ils trouveront que les Terres qu'
on leur a promis auront été prises par d'autres.
Car il faut savoir que les 20000 Acres du Township.
Sont déja toutes prises tant par les suisses établis
à Purrysbourg, que par des Etrangers qui s'en Sont em-
parés avec le nombre de leurs Esclaves, & que tout
ce qui est contigu a ces 20000 Acres du coté du
Sud & de L'Est, a été mesuré, par Thorpe, Roberts
&c., En vérité il est à craindre que se trouvant
sans Terres à portée d'estre cultivées, & peut estre
sans nourriture (Puis qu'aparement on ne leur tiendra
pas mieux parole sur les provisions qu'on leur a
promis, que sur les Terres) Ils ne se livrent au
désespoir & qu'il n'arrive des désordres dont les suites
seront très fachenses; Ils s'en prendront dabord à
leur Conducteur, ils en feront une fin & le traiteront

comme

comme un imposteur & un perfide qui les a mené dans un Pays de malédiction pour les perdre ou pour les vendre.

Je déclare solemnellem.t (& je me flatte que ma conduite l'a assez fait voir) que dans toute cette Entreprise, mon but principal à été le bien Public. Si elle avoit réussy elle auroit été en effet un bien Public, un grand bien & même beaucoup plus grand que ne pensent ceux qui ne connoissent point la Carte de la Caroline. Cette Province est menacée d'Invasion par les françois du Mississipi qui s'étendent tous leurs établissements & augmentent leurs fortes, & qui insensiblement s'aprochent de si près des nôtres qu'il faudra bientôt les leur disputer. Pittsbourg est sur la frontière & couvre tout le Pays du côté du Sud, il seroit de la dernière conséquence d'y attirer un grand nombre d'habitans industrieux laborieux & Belliqueux, non seulement pour fournir des soldats mais aussi pour cultiver de grands districts de Terres, pour y faire produire abondamment de toutes sortes de Provisions & etre en Etat d'en fournir aux petits forts & Etablissements qui pourront se faire aux Environs & au dessus de cette Ville, & même en cas de Guerre

à

à une Escadre qu'on Tiendroit à Port Royal ou à Savannah ce Seroit une Pépinière d'hommes & un Magazin de Provisions. Tout cela se seroit fait Sans qu'il en eut coûté au Gouvernemt & il est tres probable que dans cinq Ans on auroit eu dans ce Canton, Cinq Mille habitans & peut estre beaucoup plus, Si on avoit Seulement un peu Soutenu à présent mon Entreprise & fait trouver à ce Peuple que je mene les Terres & les Provisions qu'on luy a promis. N'est ce pas une chose bien déplorable, qu'une formalité négligée, L'avidité sordide de quelques particuliers, Les brouilleries & la més intelligence qu'il y a eu en Caroline Sur un Acte qui établit un impôt hors duquel on a approprié une certaine somme pour fournir des provisions à Purrysbourg, Que tout cela, dis je, Soit la cause qu'une Entreprise Si louable, Si utile & si avantageuse à la Nation Britanique & principalement à la Caroline, Echouira dans le temps qu'il sembloit qu'elle avoit Déja réussy.

Le mal n'est cependant pas sans remede, très peu de chose changeroit la face de cette Entreprise & la rétabliroit. On n'a qu'a promettre aux Suisses qu'ils auront des Terres dans le Tounship ou dans les

les Six miles réservés au tour du Township, qu'on
ne les laissera pas mourir de faim, qu'ils auront
des Provisions des Outils & les autres choses néces-
saires & que Si la Province de la Caroline ne les
fournit pas qu'on y pourvoira d'ailleurs. On
n'a aussy qu'a promettre à ceux qui ont fourny
l'argent pour le premier embarquement & qui le
devoient fournir pour celuy cy, qu'on les soutien-
dra dans ce qu'ils entreprendront legalement pour
déposséder ceux qui ont pris les Terres que je
devois avoir contiguës au Township & que Si les
loix absurdes & abusives de la Caroline les em-
pêchent d'en prendre possession qu'on les dédo
mmagera par quelqu'autre endroit; moyennant
cela nos 3 à 400 Suisses arriveront, s'il plait à
Dieu, à Purrysbourg ils auront leur d'etre satis
faits, ils le feront Savoir à leurs Parens & Amis
& dés l'Année prochaine, il en viendra par Milliers
auxquels ils auront préparé place. Il y a actuellem
grand nombre de gens en Suisse qui Souhaittent d'
aller S'établir à Purrysbourg, pourvû qu'on recoive
bien ceux qui y sont maintenant & qu'on leur
tienne ce qu'on leur a promis, on verra dans peu
cette partie de la Caroline, à l'abry de toutes incursions
&

& en Etat de couvrir & de secourir le reste.

J'espére, Monsieur, que dans le déplorable Etat ou je vais me trouver avec mes pauvres Suisses, vous voudrez bien m'accorder vôtre protection, recommander mon Entreprise, faire envisager avec combien de facilité on peut la soutenir & le grand bien qui résultera de son succès.

J'ay l'honneur d'etre tres
respectuen Sement
Monsieur
Vostre tres humble & tres
obeissant serviteur
Jean Pierre Purry

Londres le 18.e
Juillet 1734

Recd
Read } July 16: 1734

B. P. R. O. South Carolina B.T. Vol 6 E26

(? Enclosure to E25 (1st September 1731)

South Carolina.

By His Excellency Robert Johnson Esq Governor and Commander in Chief in and over His Majesty's Province of South Carolina

A Proclamation

Whereas by the 43d Article of His Majesty's Royal Instructions to me, I am impowered and required to mark out and set apart several Townships in this Province upon the River Alatamaha, Savanna River, and other Parts for the benefit and behoof of such Settlers as shall come over hither to settle thereon; and by the 45th Article of the said Instructions, I am directed with all convenient Speed to lay out those Townships, and that no person claiming a Right to take up Lands in South Carolina by former Grants from the late Lords Proprietors, be allowed to take up Lands within Six Miles of these Townships by virtue of such Grants.

And Whereas Coll Peter Purry hath undertaken to bring over a hundred Protestant Families in order to

to settle in this Province, and for that purpose hath by order and direction of me and His Majesty's Council, viewed marked and laid out a certain Tract of Land of twenty Thousand Acres, being the Great Yamasee Bluff on the Savana River, being six Miles square from the Site of the said River, and which said Tract of Land is intended and designed to be laid out into a Town or Township, and by him called Purryeburgh, for the Settlement of such Protestants as aforesaid; I have therefore thought fit to issue this my Proclamation Strictly forbidding all His Majesty's Subjects and others within this Province, to run out any quantity of Land whatsoever within Six Miles of the Township so laid out by the said Col Purry, as aforesaid, and therefore this Publick notice is hereby given that no one may plead ignorance thereof or transgress at their Peril.

(LS) Given under my Hand and the great Seal of this Province, this first Day of September Anno Dom 1731 and of His Majestys Reign the fifth Year.

By His Excellencys Command Sign'd Robt Johnson
Chat Hart Secry

God save the King

Read
Read 3d July 16 1734

B. P. R.O. South Carolina B.T. Vol 6 E 27.

(23d July 1734)

To The Rt Honble The Lords Commissrs for Trade & Plantations

My Lords

In Obedience to your Lordships commands Signified to me by Mr Popple desiring My Opinion in point of Law Whether the Townships of Pumpborug in Carolina being pursuant to His Majesties Instructions set out for the use of certain People & His Majestie having declared that all the land within Six Miles thereof shall not be taken up by any Person claiming a right under old grants which have not been taken up shall not be deemed such an effectual taking up of the said Lands for his Majesties use as to invalidate ye claim of any person who shall subsequent to the said Instructions & proclamation take up land there & I humbly certifie to your Lordships that I think the Grantees of the late Lords Proprietors under the general power granted to them of taking up such quantities of land in such places as they shall think fit since they Neglected to do it previous to His Majesties instructions & declaration shall not now be

be permitted to pitch upon lands already Settled but must have the effect & operation of their grants upon lands now unsettled which is humbly Submitted by my Lord

Yr. Lordships most Obedt Servt
Fran Lane

23d July 1794

Receed
Read } July 28th 1794

B.P.R.O. S. Carolina B.T. vol 26. p. 95*

16th July 1734

To Francis Fane Esqr.

Sr

My Lords Commissioners for Trade & Plantations Command me to send you the following state of a case and Query thereon, upon which I am to desire your Opinion in point of Law as soon as possible.

The King after He had made ye purchase of Carolina from the Lords Proprietors; by which He became entituled to all the Land of that Province, not taken up, gave directions to his Governor to mark out eleven Townships consisting of 20,000 Acres of Land each, and declard by his 43rd Instruction his further pleasure to his sd Govr that to the Intent, that Land near the said Townships may not be wanting for the Convenience of ye Inhabitants as their Substance shall Encrease no persons except the Inhabitants shall be allowed to take up Lands within 6 Miles of the said Townships, respectively to which ye said Townships shall be contiguous.

And by his 45th Instruction does further declare that "no person claiming a Rt to take up Land in South Carolina by former Grants from ye late Lords Proprietors, be allowed to take up Land within 6 Miles of

of these Townships by virtue of such Grants".

The Governor did accordingly abt May 1731 set out one of the Sd Townships, by the Name of Purrysborough, containing 20,000 Acres of Land and on ye 1st of Sept.r following, he did by Proclamation Signify the Kings Prohibition of any Persons taking up Land within Six Miles thereof. Notwithstanding which, several Persons have since under pretence of old Grants from ye Proprietors, taken up ye greatest part of ye said Land lying within ye six miles of Purrysborough as aforesaid.

Query? whether ye Townsp of Purrysborough being pursuant to these Instructions set out for the use of certain People, and the King having declared yt all ye Land within 6 miles thereof shall not be taken up by any Persons claiming under old Grants is not deemed an Effectual taking up of ye sd Land for his Majties use, so as to invalidate ye Claim of any Person, who subsequent to ye sd Instructions & Proclamation, shall have taken up Land there.

I am Sr

Whitehall
July 16th 1734.

yor most humble Servt
Al. Popple.

B.P.R.O. S. Carolina B.T. Vol. 26 p. 97

24th July 1734.

To John Willes Esqr His Majesty's Attorney
and Rudley Rider Esqr His Majesty's Solr Genl

Gentlemen

My Lords Commissioners for Trade & Plantations having under consideration some matters relating to the granting of Lands in His Majesty's Province of South Carolina: Their Lordships command me to signify their Desire, that the Draught of a Bill now before You, concerning His Majesty's Quit rents there, may be dispatch'd as soon as conveniently you can I am

Gentlemen

Yor most Humble Servt
Alured Popple

Whitehall
July 24th 1734

P R O. South Carolina BT vol 6 f 28

(23rd July 1724)

At the Council Chamber Whitehall
the 23d of July 1724

By the Right Honourable the Lords of
the Committee of Council for Plantation Affairs

The Lords of the Committee this day took into their Consideration a Report made by the Lords Commissioners for Trade and Plantation dated the 22d of March last upon, An Act past in the Province of South Carolina on the twentieth day of August 1731 Entituled 'An Act for appropriating the Sum of £ 104 7 25: s 1: d 3¼ towards payment of the Publick Debt' and also upon two Petitions preferred by the Merchants of London and Bristol trading to that Province against the said Act — And their Lordships likewise took into their Consideration a Remonstrance from the Governor Council and Assembly of the said Province and a Petition from Col John Peter Purry both of them in Support of the said Act and which were lately referred by His Majesty to this Committee. And their Lordships are thereupon pleased to Order as it is hereby Ordered that the said Report be referred back to the said Lords Commissioners for

for Trade and Plantations. Who are to reconsider thereof and at the same time to Examine into the said Remonstrance from Carolina and Petition of Colonel Pury (Copys whereof are hereunto annexed) and the said Lords Commissioners are to Report their Opinion upon the whole matter to this Committee.

Ja. Vernon

(Enclosure)

To the Right Honble the Lords of the Committee of His Majestys most Honble Privy Council

My Lords.

Pursuant to your Lordships Orders of the 1st day of December last, We have considered the humble Petition of the Merchants of London and Bristol who trade to South Carolina complaining of an Act passed in that Province on the 20th day of August 1731 Entitled, An Act for appropriating the Sum of One Hundred four thousand Seven Hundred and twenty five pounds One Shilling and three Pence farthing towards Payment of the Publick Debts.

We have been attended upon this Occasion by

by the Petitioners, and by Mr Sharpe and others on the Part of the Governor Council and Assembly of South Carolina, and have heard what either Side had to offer for the Disallowance or Confirmation of this Act.

We take leave to acquaint Your Lordships upon this Subject that in February 1730 the whole Amount of the Paper Bills in South Carolina was 116000 Ls of that Currency at which Time an Act was passed in that Province Entituled, <u>An Act for calling in and sinking the paper Bills</u> by which It was amongst other things provided that all the Bills of Credit of the several Classes or Denominations of Twenty Pounds, fifteen Pounds, Twelve Pounds, and Eight Pounds amounting in the whole to the Sum of Fifty five Thousand Pounds, should be paid in, from Time to Time to the Publick Receiver or Treasurer for the time being for Dutys only in Order to be cancelled, and sunk, as the Act directs; and it was further enacted that eight Thousand Pounds more should be paid in to the Commissioners of the Bank in Bills of the same Denominations to be cancelled and sunk in the same Manner, and the remaining Bills of Credit amounting

amounting to the Sum of 63 000 £ not repealed by this Act, are made Current in all Payments whatsoever, except for certain Duties particularly named in the Act, until effectual Provision should be made for calling in and sinking the same pursuant to the Resolution taken by the General Assembly in that Behalf.

But when the State of the Paper Currency in South Carolina was under the Consideration of this Board in February $17\frac{29}{30}$ the Merchants of London did then by a Memorial Represent to us the ill State of this Province, occasioned by their Indian War, and the necessity, they were under of keeping Forces in Pay upon their Frontiers, and humbly prayed that we would move his Majesty to allow the General Assembly of South Carolina to recall all the old Bills of Credit and in Lieu thereof to Stamp and Issue new Bills of Credit to the Amount of 100 000 £ and no more (which they have since done) and that the design of the abovementioned Law of 1733 for sinking the Old Bills might be suspended for seven Years and the money intended for that Purpose be applied to the Charge of Surveying and laying out Townships and the Purchase of Tools, Provisions, and other Necessarys, for

for the use of such poor Protestants as should go and settle in that Province.

Agreable to the Prayer of this Memorial and for the more Speedy and effectual setling of the Province, His Majesty was pleased to allow Col Johnson the present Governor of South Carolina by virtue of the 20th Article of His Instructions, to give his Assent to a Clause in some Act for Suspending the first design of the abovementioned Act of 1723 and for applying the said sinking Fund for the Space of Seven Years to the Purposes aforesaid provided the Assembly should pass an effectual Law for registring Grants and regulating the future Payment of Quit Rents in the manner prescribed by the 19th Article of the Governors Instructions, and that the Clause for this Suspension should be made part of that Law.

It appears by the Act now under our Consideration, that the Publick Debt of the Province on the 26th day of March 1731 amounted to the Sum of 103 £ 770 : 1 : 3½ which Debt hath been chiefly incurred between the Years 1726 and 1731 during which time We are informed no Provision was made for the Payment of the Garrisons, Scout Boats and other contingent

contingent Charges of the Government On the other hand, at the Time of passing this Act the Sum of 40 000 Ls was due to the Province for Dutys owing by sundry Merchants by Virtue of the abovementioned Act of 1720, which had hitherto remained uncollected.

Such was the State of the Paper Currency and of the publick Debt in South Carolina at the Time of passing this Act wherein It was declared that the Duties arising by Virtue of an Act passed in 1721 Entituled, An Act for granting to His Majesty a Duty and Imposition on Negroes Liquors, and other Goods and Merchandiges, were computed to amount communibus Annis to 13000 L ℔ Ann of which 8000 L are supposed to arise from the Duty on Negroes only.

By the Act in Question commonly called the Appropriation Law It is provided, that orders should be forthwith printed and issued to the Amount of the aforesaid 104770 L 0 s 1 d ½ to be paid to the Creditors of the Publick out of the Dutys on Negroes & bear an Interest of 6 ℔ Cent ℔ Annum, until they should be wholly paid; The abovementioned Sum of Forty Thousand Pounds, which the Act supposes to have been in the Hands of the Treasurer of the Province for the use of the Publick and which hath

hath since been actually paid to him together with the Money that shall arise from the Duty on Negroes for the Twenty Seven Years, Estimated at 59,500 £ are appropriated towards the Payment of the said Orders and Interest, and the remaining Five Thousand Pounds supposed Residue of the Duty s arising by Virtue of the abovementioned Act of 1721 are applied to the Uses prescribed in His Majesty's Instructions for the Aid and Relief of new Settlers.

Whereupon We take Leave to acquaint Your Lordships, that according to His Majestys Instructions the whole Produce of the Sinking Fund ought t have been appropriated for the Space of Seven Years to the better Settling of the Province, and after that Term to the calling in and sinking the old Paper Bills, and if by the Act now under our consideration the Assembly of South Carolina had in the first place appropriated the sinking Fund to the better Settlement of the Province, so far as the same could have been expended in that Service, and had then directed the overplus of that Fund to the Discharge of the new Orders and Interest, this we apprehend might have been less liable to Objection, But by the Distribution made of the sinking Fund in this

this Act, the Intention of the Crown for the more effectual Peopling of South Carolina is in part defeated, and by allowing an Interest of 5 ℔ Cent ℔ Annum upon the New Orders of 104779: 1: 3 d½ the Produce of the Duty upon Negroes computed at £5000 per Annum would not be Sufficient for the Discharge even of this New Debt in Seven Years, but would leave a Deficiency of about 20000 £ at the end of that Term bearing an Interest at 5 ℔ Cent which must be provided for either by the Establishment of a new Fund, or a Continuation of the old One, in which Case the Negroe Duty could not be applied to cancel and sink the old Bills that subsisted in 1733 before the Year 1741 which would be a great Hardship upon the Merchants of this Kingdom, and an ill Return for their Acquiesience in the Suspension of the sinking Fund for Seven Years, in Order to the better settling, and for the Publick Prosperity of the Province; wherefore upon the whole, we would propose to Your Lordships to lay this Act before His Majesty for His Disallowance.

We are, My Lord, Your Lordships, most Obedient and most humble Servants

Whitehall March 22d 1734

Martin Bladen, Edwd Ashe, Orlo Bridgeman, T Pelham

(Enclosure)

(Enclosure)

To the Kings most Excellent Majesty

The humble Remonstrance of Your Majestys Governor, Council and Assembly of Your Majestys Province of South Carolina.

The former Calamitys of this Province on Account of the Spanish and French Invasions, and the Wars of Indians, which they promoted against it having about eighteen Years ago obliged Your Majestys Subjects of this Province to contract so large a Debt in supporting of Garrisons and forming Expeditions both by Land and Sea, for many Years together, that there was no other Expedient then to be used immediately and effectually to provide for the same, but by Paper Bills of Credit, for which the publick became indebted; a great part of which have since been cancell'd, partly by a Tax leveyed on the Inhabitants and partly by Dutys which arose heretofore from the Importation of Goods and Negroes. The Residue your Majesty was graciously pleased to admit us to continue as Currency, that your Majestys Province might not be wholly destitute of Money that being the only legal Currency which we have since had in use amongst us; And though the

Quantity

Quantity remaining is very insufficient to Answer the Exigeneys of our Present Traffick we are surprized to hear that a Petition was lately preferred to Your Majesty, said to be, "The Petition of several Merchants, "and others of the City of London trading to Your "Majestys Province of South Carolina" Setting forth "that "by an Act of the General Assembly of this Province "for appropriating the Sum of one hundred and four "Thousand seven hundred and twenty five Pounds to- "wards Payment of the Publick Debts which was "passed with the Assent of Your Majestys present "Governor, the Funds which were settled for calling "in and sinking the Paper Bills of Credit formerly "issued in this Province being one hundred and six "Thousand Pounds are diverted and misapplied, And "that a further Sum of one hundred and four "thousand seven hundred and twenty five Pounds and "upwards of Paper Credit is imposed on Your Majestys "British Subjects contrary to the Publick Faith and "Credit of this Province; And that an Attempt has "been likewise lately made to raise a further Sum "of two hundred and fifty thousand Pounds in Paper "Credit All which (the Petitioners say) tend to the "great Detriment of Trade, and are highly injurious

to

"to the Properties of Your Majesties British Subjects
"and expressly repugnant to several of Your Majestys
"Royal Instructions to Your Majestys Governour here.
"And that by the said Act an exorbitant Duty
"of ten Pounds ℔ Head is imposed and continued on
"Negroes imported to the great Dammage of the
"Manufacture and Trade of the Kingdom of Great
"Britain: Whereby they pray that Your Majesty would
"be pleased to repeal the said Act and that no
"Duty may be imposed for the future on any Negroes
"imported to this Province.

All which Allegations of the said Petitioners We must beg leave to say, are very unfairly stated to Your Majesty for that the said Appropriation Law (which the said Petitioners so greatly complain of) took its use from Your Majestys Royall Instructions to Your Majestys pᵈsent Governour here, allowing him to assent to a Law that the Duty upon Negroes might for seven Years be continued, and the Application thereof suspended from calling in and sinking the remaining part of the Paper Currency, and the same be appropriated to pay for the surveying Your Majestys Townships, and to pay for the Passage Provisions and Tools of poor protestant Families that

that should come here to settle for the Defence and Improvement of your Majestys Province. All which the said Law provided by appropriating the Sum of Five thousand pounds Currency per Annum for the purposes specifyed in your Majestys said Royall Instruction, which Sum was then deem'd an Annual Sufficiency to accommodate any number of poor protestants that we could expect here, and if a greater Supply should be wanting. It was agreed by the General Assembly of this Province that from time to time suitable Provision should be made for the same which has been actually fulfilled there being no more than the Sum of five thousand Pounds Currency per Annum, which has since been applied for that good Purpose and has proved an inviting Engagement, to a considerable Number of poor Protestant people to come over from Europe and settle among us who are thereby now comfortably accommodated in several of Your Majestys Townships, and many more upon that Encouragement, are now engaged and daily Expected here from Switzerland. As the rest of the Fund would but lye dead unless the same was immediately appropriated. We therefore thought it a becoming Economy to apply the Residue towards the

the Discharge of a Debt which heretofore became due from the publick on Account of Indian presents, Inland Forts, Scouts, Garrisons and Rangers, which before Your Majesty's Purchase we were and still are under a Necessity peculiar to this Province unknown to any other part of America in a time of Peace to keep in pay for the Ordinary Defence of the Country. Which relief to the old Inhabitants has since enabled them to assist new comers in furtherance of Your Majestys Royall Intention; which they have liberally shewn by lately raising two Thousand Pounds for the Use of Georgia; and also further affording them Guards and Rangers at the annual Expence of five Thousand five hundred Pounds per Annum levied by a Tax on the Inhabitants of this Province. But the incurr'd Charge we were not in a Condition then to provide for by levying of Taxes over and above the common contingencies without driving away many of the old Inhabitants at a time Your Majesty was graciously pleased by your said Royall Instruction so liberally and charitably to provide for new ones. We were therefore obliged to issue orders upon Interest on the Credit of that Duty, as well to provide for the Expected arrival of poor

Protestants

Protestant Settlers as to preserve the faith of the Publick, which was so necessarily before engaged for the Defence and Care of the Province. Those Orders the Petitioners are pleased to call a further Sum of one hundred and four Thousand seven hundred and twenty five Pounds of Paper Credit imposed on Your Majesty's British Subjects twenty seven thousand Pounds of which were immediately Sealed up in the Treasury, were never issued but faithfully cancelled by a Committee of both houses, and the rest are not in the least enforced by way of payment only in case of the Merchants are made receivable by the Treasurer for the better discharge of the Duties, and are all to be duly sunk as they come into our Treasury in a Course of Payment, which must all be done within the Space of four Years more, at which time by their very tenor they will totally expire.

We are at a loss to know upon what foundation the Petitioners should so confidently complain to Your Majesty against the Continuance of the Negroe Duty, and the Paper Currency in us among us, when some of these very Petitioners, with several other Merchants of the City of London did heretofore

Petition

Petition to the Right Honble the Lords Commissioners of Trade and Plantations in Great Britain to recommend to Your Majesty that You would be graciously pleased to allow the General Assembly of this Province to pass a Law, that the Law for sinking the Paper Currency might for seven years be suspended Which Your most sacred Majesty was graciously pleased by Your Royall Instruction to Your present Governour to admit accordingly on the earnest request of many Planters and Merchants in that particular Which very Law the Petitioners now oppose, and endeavour to get disannull'd by Your Majesty, We are in these circumstances very unfortunate, to be under a Necessity of answering Complaints against a Law, which took its rise from the said Merchants Representation and Request as is set forth in Your Majestys said gracious Instruction. The Petitioners had a little reason to charge the Assembly of this Province with an Attempt lately made to raise a further Sum on Paper Credit, by cavilling at a Scheme which was lately here on Foot to give our Currency a Value, and to establish the same on a better Basis, which we were not in a Condition then to accomplish, but hope its practicable, that shll we may

with

with due conformity to your Majestys Royall Instructions and with equal Convenience, as well to the Trading as the Planting Interest; For since Your Majestys Subjects of this Province have had the Happiness of being under the immediate Care and Protection of Your most sacred Majesty a very sensible Increase of our Trade, naturally requires an Increase of our Currency, Our Yearly Exports are hardly short of one hundred and ten thousand Pounds Sterling, and not above one hundred and five thousand Pounds left of a Wasting Paper Currency for the use of our Inland Traffick which in the whole does not exceed the Sum of Fifteen thousand Pounds Sterling

We therefore hope Your Majesty, will be graciously pleased to reject the said Petition; and not be deprived of the many Advantages accruing to Your Majestys Service from the continuance of the Duty on Negroes imported, which is only to continue about four Years longer; And what the Petitioners call an Exorbitant Duty of ten Pounds per head is only equal to twenty eight Shillings and six pence Sterling. For should Your Majesty be pleased to comply with the request of the Petitioners some of whom, are utter Strangers as well to the Proceedings, as to the Condition of this Province, By

Your

your Majesty's disannulling those Law for establishing the Negroe Duty for seven Years, and for appropriating the same which now lye before Your Majesty for Your Royal Assent and Approbation; It would not only be impossible for your Majestys Subjects of this Province at this critical Juncture to raise by any extraordinary Taxes so large a Sum as that fund would require, over and above the necessary Charges which we already find so burthensome, and in case of a War must (we fear) be very grievous; but the poor Protestant Families must go back disappointed who came here in Expectation of the Bounty designed by Your Majestys Royal Instructions and the whole Country must inevitably be put into the utmost Confusion by annihilating those Orders, which principally depend on the Duty upon Negroes. The sudden Distruction of which before they are legally paid in, and cancelled would at this time prove an irreparable loss to many British Merchants trading to this Province, in the Hands of whose Factors the greatest part of those Orders are lodged.

The Importation of Negroes, We crave leave to inform Your Majesty is a Species of Trade, that has exceedingly increased of late in this Province where

many

many Negroes are now trained up to be Handicraft Tradesmen, to the great discouragement of your Majestys white Subjects, who come here to settle with a View of Employment in their several Occupations but must often give way to a People in Slavery which we daily discover to be a great Obstruction to the Settlement of this Frontier with white People.

So, that we must most humbly suggest to your Majesty the said Petition was never duly weighed by the Persons that subscribed it, who trade to this Province in British Manufactures, but was rather Projected by a few Negroe Merchants and some other designing Persons, who have several Debts of that Paper Credit, now outstanding, upon Mortgages Judgement and other good Securitys; who by destroying the Currency must unquestionably procure Possession of the greatest part of the Estates Real and personal in this Province, And the Merchants that deal in British Manufactures prove at length the final Sufferers whose Debts are outstanding on the weaker Foundation of Book Accounts and Personal Promises.

South Carolina. Council Chamber the 7th day of April 1734

Robt Johnson. Thos Broughton Presdt. Paul Jenys Speaker,

(Enclosure)

(Enclosure)

To the Kings most Excellent Majesty
in Council

The humble Petition of Colonel John
Peter Purry.

Sheweth

That Your Majestys Governor of South Carolina in Pursuance of your Majestys Royall Instructions passed an Act of Assembly in that Province for appropriating a Certain Sum to be applied to the buying Tools and other necessaries and Provisions for any poor Protestants that shall go and be willing to settle there.

That the Petitioner proposed and agreed with the said Governor and Council to transport and carry over a Number of Swiss, and other Protestants, and having fixed on a Place for a Township on the Savannah River. He has accordingly already landed some hundreds there who have in part settled the said Township, and have received, and daily do receive from the Province the Necessaries and Provisions promised and agreed for and which was raised by and out of the Aforesaid Sum so appropriated.

That

That your Petitioner has now actually, on the Road, and which he proposes to Embark in three Weeks for the said Province, near four hundred more Swiss to settle and Inhabit the said Township but is informed that the said Law for appropriating the said certain Sum has been disapproved of by the Lords Commissioners for Trade and Plantations who have therefore reported the said Law not proper for Your Majestys Allowance and Approbation, but advised it may be repealed; And the Petitioner being well assured that if the said Law should be repealed accordingly, Not only his People now there but those also he is going to transport thither will be deprived of the necessary aid and Assistance provided for them by the said Act; and be rendered utterly unable to subsist, and settle themselves, the said Province having positively declared that in that Case they were not able to keep their faith, and Promise with the Petitioner to the utter ruin of his People, and the said Settlement.

Your Petitioner therefore, most humbly prays Your Majesty will be graciously pleased not to repeal the said Act on which the prosperity of the said People intirely depends, or

that

that Your Majesty Grant him such other Relief as Your Majesty shall think necessary and proper

And Your Petitioner as in Duty bound shall ever pray &c.

John Peter Purry

Recd July 2d
Read Do 30th } 1734

B P R O South Carolina B.T. Vol. 6 E 29

(23d July 1734)

At the Council Chamber Whitehall
the 23d July 1734

By the Right Honourable the Lords of
the Committee of Council for Plantation Affairs

His Majesty having been Pleased by His Order in Council of the 18: of this Instant to refer unto this Committee the humble Memorial and Representation of the State and Condition of His Majestys Province of South Carolina from the General Assembly of the said Province. The Lords of the Committee this day took the same into their Consideration and in regard the matters contained therein relate to the Preservation of the said Province. Their Lordships do hereby Order that the Lords Commissioners for Trade and Plantations do Examine maturely into every Particular part thereof, and Report to this Committee what may be advisable for His Majesty to do thereon.

Jas Vernon

To the Kings most Excellent Majesty

The humble Memorial and Representation of the State and condition of Your Majestys Province of South Carolina, from the Geneal Assembly of the said Province

Your Majestys most Dutiful Subjects of this Province having often felt with hearts full of Gratitude, the many signal Instances of your most sacred Majestys peculiar Favour, and Protection to these distant parts of Your Dominions; and especially those late Proofs of Your Majestys most gracious and benign care, so wisely calculated for the Preservation of this Your Majestys Frontier Province on the Continent of America by Your Royall Charter to the Trustees for establishing the Colony of Georgia, and Your great Goodness so timely applied in promoting the Settlement of the Swiss at Purrysburgh, Encouraged by such Views of Your Majestys wise, and paternal care extended to Your remotest Subjects; and excited by the Duty which we Owe to Your most Sacred Majesty, to be always watchful, for the support and Security of Your Majestys Interest, especially at

at this very Critical Conjuncture when the Flame of a War breaking out in Europe may very speedily be lighted here in this Your Majestys Frontier Provinces, which in Situation is known to be of the utmost Importance to the general Trade and Traffick of America. We therefore Your Majestys most faithful Governor Council and Commons convened in the General Assembly of Your Majestys Province of South Carolina, crave leave, with great Humility to Represent to Your Majesty the present State and Condition of this Your Province, and how greatly it stands in need of Your Majestys gracious and timely succour in case of a War to assist our Defence against the French and Spaniards or any other Enemys to your Majestys Dominions; as well as against the many Nations of Savages which so nearly threaten the Safety of Your Majestys Subjects.

The Province of South Carolina and the new Colony of Georgia are the Southern Frontiers of all Your Majestys Dominions on the Continent of America: To the South and South West of which is Scituate the Strong Castle of St Augustine, Garrisond by four hundred Spaniards, who have several Nations of Indians living under their Subjection; besides several other small settle-

ment

ments and Garrisons near the Appallatchys, some of which are not eighty Miles distant from the Colony of Georgia. To the South West and West of us, the French have already erected a considerable Town near Fort Thoulouse on the Moville River, and several other Forts and Garrisons; some not above three hundred Miles distant from our Settlements. And at new Orleans on the Mississippi River since her late Majesty Queens Anns Warr, they have exceedingly increased their Strength and Traffick, and have now many Forts and Garrisons on both Sides of that large River for several hundred Miles up the same.

And since his most Christian Majesty has taken out of the Mississippi Company the Government of that Country into his own hands, the French Natives of Canada come daily down in Shoals to settle all along that River; where many regular Forces have of late been sent over by the King to strengthen the Garrisons in those places; and according to our best and latest Advices, they have five hundred Men in pay constantly employed as Wood-rangers to keep their Neighbouring Indians in Subjection, and to prevent the distant ones from disturbing their Settlements. Which management of the French has so well

succeeded

succeeded, that we are very well assured they have wholly now in their Interest, and under their Influence, the several numerous Nations of Indians that are situate near the Mississippi River, One of which called the Chactaws by estimation consist of about five Thousand fighting Men; and who were always deem'd a very warlike Nation, lyes on this side of the River, not above four hundred Miles distant from our out Settlements, among whom as well as several other Nations of Indians many French Europeans have been sent to settle whom the Priests and Missionarys among them encourage to take Indian Wives, and use divers other alluring Methods to Attach the Indians the better to the French Alliance By which means the French are become thoroughly acquainted with the Indian way of warring, and living in the Woods, And have now a great number of white men among them able to perform a long March with an Army of Indians upon any Expedition

We further beg leave to inform Your Majesty that if the measures of France should provoke Your Majesty to a State of Hostility against it in Europe, We have great reason to expect an Incursion, will be here made upon Your Majestys Subjects, by the French

French, and the Indians, from the Mississippi Settlements they have already paved a way for a Design of that Nature, by erecting a Fort called the Albama Fort alias Fort Lewis in the middle of the upper Creek Indians upon a Navigable River leading to Moville, which they have kept Garrisoned and mounted with fourteen Pieces of Canon; And have lately been prevented from erecting a second nearer to us in that Quarter. The Creeks are a Nation very bold active and daring, consisting of about thirteen hundred fighting Men (and not above one hundred and fifty Miles distant from the Chactaws) whom tho' we heretofore have traded with, claimed and held in our Alliance, Yet, the French on Account of that Fort, and a Superior Ability to make them liberal Presents, have been for some time striving to gain them over to their Interest, and have succeeded with some of the Towns of the Creeks, which if they can be secured in Your Majestys Interest, are the only Nation that Your Majestys Subjects here can depend upon as their best Barrier against any Attempts either of the French or their Confederate Indians

We most humbly pray leave further to inform Your Majesty, that the French at Moville, perceiving that

that they could not gain the Indians to their Interest without buying their Deer Skins (which is the only Commodity the Indians have to purchase necessarys with) and the French not being able to dispose of those Skins, by reason of their having no vent for them in Old France, they have found means to encourage Vessels from hence, New York and other Places (which are not prohibited by the Acts of Trade) to truck those Skins with for Indian Trading Goods especially the British Woollen Manufactures, which the French dispose of to the Creeks, Chactaws, and other their Indians, by which means the Indians are much more alienated from our Interest, and on every Occasion Object to us that the French can supply them with Shouds and Blankets as well as the English; which would have the contrary effect if they were wholly furnished with those Commodities by your Majestys Subjects trading among them. If a Stop was therefore put to that pernicious Trade with the French the Creek Indians chief Dependance would be on this Government, and that of Georgia to supply with those Goods, by which means, great part of the Chactaws living next the Creeks would soon see the Advantage

the

the Creek Indians enjoy'd by having British Woolen Manufactures wholly from Your Majestys Subjects, and thereby be invited in a Short time to enter into a Treaty of Commerce with us, which they have lately made some offers for; and which if effected will soon lessen the Interest of the French with these Indians, and by Degrees attach them to that of Your Majesty.

The only Expedient we can propose to recover and confirm that Nation wholly to Your Majestys Interest is by speedily making them Presents to withdraw them from the French Alliance, and by building some Forts among them, Your Majesty may be put in such a Situation, that on the first Notice of Hostilitys with the French Your Majesty may be able to reduce at once the Albama Fort, and we may then make a Stand against the French, and their Indians which if not timely prepared for before a War breaks out, we have too much reason to fear we may be soon over run by the united Strength of the French the Creeks and Chactaws, with many other Nations of their Indian Allies. For should the Creeks become wholly our Enemys; who are well acquainted with all our Settlement, We probably should also soon be deserted by the Cherokees, and a few other small Tribes of Indians who

for

for the Sake of our Booty would readily join to make
us a Prey to the French and Savages. Ever since
the late Indian War the Offences given us by the
Creeks have made that Nation very jealous of Your
Majestys Subjects of this Province; We have therefore
concerted Measures with the Honble James Oglethorpe
Esqr. who being at the head of a new Colony will (we
hope) be successful in securing Your Majestys Interest
among that People. He has already by Presents Attach
-ed the lower Creeks to the Service of Your Majty
and has laudably undertaken to Endeavour the fraing
of a Garrison among the upper Creeks the expence of
which is already in part provided for in this Sess-
-ion of the General Assembly of this Province; We
hope thereby to prevent the French from incroaching
further on Your Majestys Territorys until Your
Majesty is graciously pleased further to strengthen
and secure the same.

We find the Cherokee Nation have become
very insolent to Your Majestys Subjects trading among
them notwithstanding the many favours which the
Chiefs of that Nation received from Your Majesty in
Great Britain, besides a considerable Expence which Your
Majestys Subjects of this Province have been at in making
them

them Presents, which inclines us to believe that the French by their Indians have been tampering with them. We therefore beg leave to inform Your Majesty that the building and mounting some Forts also among the Cherokees, and making them presents will be highly necessary to keep them steady in their Duty to Your Majesty, lest the French may prevail in seducing that Nation, which they may the more readily be inclined to from the prospect of getting considerable Plunder in Slaves Cattle and Commoditys, which they very well know we have among us. Several other Forts will be indispensably necessary to be a Cover to Your Majestys Subjects settled backwards in this Province, as also to those of the Colony of Georgia both which in Length are very extensive. For though the Trustees for establishing the Colony of Georgia, by a particular Scheme of good Management, painfully conducted by the Gentlemen engaged here in that Charitable Enterprise, have put that small part of the Colony which he has been yet able to establish in a tenible condition against the Spaniards of Florida, which lye to the Southward yet the back Exposition of both these Colonys to the vast Numbers of French and Indians which border on the Westward must in case

of

of a War cry greatly aloud for Your Majestys gracious and timely succor. The Expence of our Safety on such an Occasion We must in all Humility acquaint Your Majesty either for Men or Money can never be effected by Your Majestys Subjects of this Province who in Conjunction with Georgia do not in the whole amount to more than three thousand five hundred Men that compose the Militia, and wholly consist of Planters Traders, and other Men in Business.

Besides the many Dangers which by Land we are exposed to, from so many Enemys that lye on the back of us: we further beg leave to represent to Your Majesty the Defenceless condition of our Ports and Harbours, where any Enemys to Your Majestys Dominions may very easily by Sea invade us there being no Fortifications capable of making much Resistance. Those in Charles Town Harbour are now in a very ruinous condition, occasioned by late violent Storms and Hurricans which already cost this Country a great Deal of Money and will now require several thousands of Pounds to repair the old, and to build new ones, to mount the Ordnance that Your Majesty was graciously pleased to send us. Which with great concern we must inform Your Majesty we have not yet been able to accomplish, being latterly obliged for

for the Defence and support of this Your Majestys Province and Government to raise by a Tax on the Inhabitants a supply of above Forty thousand Pounds Paper Currency p Annum which is a Considerable deal, more than a third part of all the Currency among us: A Charge which Your Majestys Subjects of this Province are but barely able to sustain, since by your Majestys Royall Instruction to Your Majestys Governor here, an intire Stop has been put to the Dutys which before accrued from European Goods imported. And if a War should happen, or anything extraordinary to be further Expensive here, we should be under the utmost Difficulty to provide additionally for the same, lest an Increase of Taxes with the Apprehension of Danger should drive away many of our present Inhabitants as well as discourage other from coming here to Settle for the defence and improvement of Your Majestys Province. there being several daily moving with their Familys and Effects to North Carolina, where there are no such Fears and Burthens.

We must further beg leave to inform Your Majesty that amidst our other perilous circumstances, we are subject to many intestine Dangers from the great Number of Negroes that are now among us, who amount at least to twenty two thousand persons, and are three

to

to one of all Your Majestys white Subject in this Province. Insurrections against us have been often attempted, and would at any time prove very fatal if the French shoud instigate them by artfully giving them an Expectation of Freedom. In such a Situation we most humbly crave leave to acquaint Your Majesty that even the present ordinary Expences necessary for the Care and support of this Your Majestys Province and Government cannot be provided by Your Majestys Subject of this Province without Your Majestys gracious pleasure to continue those Laws for establishing the Negroe and other Dutys for seven Years and for appropriating the same which now lye before Your Majesty for Your Royall Assent and approbation. And the futher Expences that will be requisite for the Erecting some Forts, and establishing Garrisons in the several necessary Places so as to form a Barrier for the security of Your Majestys Province. We most humbly submit to Your Majesty

Your Majestys Subjects of this Province with fulness of Zeal, Duty and Affection to your most gracious and sacred Majesty are so highly sensible of the great Importance of this Province to the French that we must conceive it more than probable, if a War

War shoud happen, they will use all Endeavours to bring this Country under their Subjection. They would thereby be able to Supply their Sugar Islands with all Sorts of Provisions and Lumber by an easy Navigation, which to our great Advantage is now not so practicable from the present French Colonys; Besides the facility of gaining then to their Interest most of the Indian Trade in the Northern Continent They might then easily unite the Canadees and Chactaws, with the many other Nations of Indians which are now in their Interest. And the several Ports and Harbours of Carolina and Georgia, which now enable Your Majesty to be absolute Masters of the Passage thro the Gulph of Floriday and to impede at your Pleasure the Transportation Home of the Spanish Treasure would then prove so many convenient Harbours for your Majestys Enemys by their Privateers or Ships of War to annoy a great part of the british Trade to America, as well as that which is carryed on through the Gulph from Jamaica besides the loss which Great Britain would feel in so considerable a part of its Navigation, as well as the Export of Masts Pitch Tar and Turpentine, which without any Dependance on the Northern Power of Europe

are

are from hence plentifully supplied for the use of the British Shipping.

This is the present true State and Condition of Your Majestys Province of South Carolina utterly incapable of finding Funds sufficient for the Defence of this wide Frontier; and so destitute of white Men, that even Money itself cannot here raise a sufficient Body of them. With all Humility we therefore beg leave to lay our Selves at the Feet of Your Majesty humbly imploring Your Majestys most gracious care in the Extremitys we should be reduced to, on the breaking out of a War, and that Your Majesty will be graciously pleased to extend Your Protection to us. As Your Majesty in Your Great Wisdom shall think most proper

South Carolina.

In the Council Chamber the 9th day of april 1734

Robt Johnson
Thos Broughton Presdt
Paul Jenys Speaker

Read July 26: } 1734
Read Do 30: }

B.P.R.O. A & W.I. Vol. 19 p. 61

Whitehall July 24th 1734.

Sir,

You will receive this Letter by Mr John Johnston who is going with his Family and Servants to settle in South Carolina. He has the Character of a very honest man, and of being well affected to His Majesty's Person and Government, and has been well recommended to me, I must therefore desire you will assist him with your good Offices in the providing himself with a Settlement there, and favour him with your Countenance and Protection, whenever he may stand in need of them

I am

&c.

Holles Newcastle.

Govr Johnston

B.P.R.O. A. & W.I. Vol. 19. p. 62

John Johnson is going with his Family and Servants to settle in South Carolina, and as he hopes he has always behaved in England with a good Character, and that he as well as his Father have been great Sufferers in their fortunes for their Zealous Attachment to the Cause of the Revolution - He humbly prays the favour of the Rt Honble the Earl of Cholmondeley to procure a Letter from His Grace the Duke of Newcastle to the Governour of South Carolina to recomend him to his favour & countenance as well in providing an advantageous Settlement there as in procuring the Encouragement given by the Country to New Settlers and otherwise shewing him such favour as he may stand in need of.

B P R O South Carolina B T Vol 6 f 30

Whitehall July 25th 1734

Gentlemen,

When his Majesty was pleased to appoint Colo Johnson Governor of Carolina, the said Colo was directed by his Instructions to mark out certain Townships upon the sides of the Savanah and other Rivers in that Province; Which Townships were each of them to contain 20000 Acres of Land to be laid out in square Plots of Ground with a proper Place to be marked out for a Town on the Banks of the sd Rivers; And that Land might not be wanting near the said Townships for the convenience of the Inhabitants of the said Towns respectively as their Substance should Increase. It was further directed that no Person except the Inhabitants thereof should be allowed to take up any Land within six Miles of the said Townships respectively; And as a further Encouragement to such Persons as should be disposed to settle in the sd Townships, it was among other Things provided that no Person claiming a Right to take up Land in South Carolina by former Grants from the late Lords Proprietors, should be allowed to take up Land within

six

six Miles of these Townships by virtue of such Grants, as by the said Instructions hereunto annexed may more fully appear.

In pursuance of the abovementioned Instructions — Colo Peter Purry did, by order of the Govr and Counsil of South Carolina, mark and lay out a certain Tract of 20000 Acres of Land being the great Yamassee Bluff on the Savanah River, now called by the name of Purrysburgh for the Reception of a Colony of foreign Protestants which by Agreement he was to settle there.

Whereupon the Governor of South Carolina did by Proclamation bearing date the 1st of September 1731, reciting the abovementioned Instructions, and that the said Township had been marked out as aforesaid, strictly forbid all his Majestys Subjects and others within the said Province, to run out any quantity of Land whatsoever within six Miles of the Township so laid out by the said Colo Purry, thereby giving publick Notice of the Kings Intentions, that no one might plead Ignorance thereof, or transgress at their Peril

Since the issuing this Proclamation certain Persons on Pretence of former Grants have surveyd sevl large

large Tracts of Land within the Compass of the said six Miles, and even contiguous to the sd Township, in order to take Possession thereof, in direct Opposition to His Majty Instructions and to the Govr Proclamation issued thereupon.

The usual Custom in this Province and in all others in America has been, that previous to Grants made to any Person a Survey has been made by a proper Officer, and upon the Return of such Survey Grants have been issued by the Govr, and in the case of Carolina, altho Grants or Warrants for great Tracts of Land have frequently been made by the late Ldo Proprietors to particular Persons, yet such Warrants have been generally directed to the Govr for the time being, who upon Receipt thereof have issued their Warrants for a Survey, and upon Return of such Survey have made out Grants as aforesaid. But there have been some Exceptions in Carolina to this general Method, and there are some Grants from the late Lords Proprietors, wherein there has been a Direction inserted to the Surveyor General to lay out the Lands for the Grantee upon Application, within twenty days Notice of such Grants: a Copy of one of those Grants is hereunto annexed, and it has been generally esteemed

lawfull

lawfull to survey any Lands for the purpose aforesd provided they had not been already Surveyed by legal Authority for any other Person And by this means a Grantee might come into Possession of his Land, without the Knowledge or Consent of the Governor.

We cannot possitively determine upon what Foundation the several Persons who have encroached upon the Township of Perrysbourgh found their Right of Survey, except only one of them who claims by a mean Conveyance under the Grant annexed.

But the Question which we desire to be resolved, is

Whether the Kings Instructions, together with the Governors Proclamation, giving publick Notice thereof, which Proclamation was subsequent to the marking out the Township of Perrysbourgh & previous to the Surveys encroaching upon the 6 Miles round about the said Township, shall have sufficiently ascertained the Property of the 6 Miles circumjacent to the said Township, so as to secure the same from being taken up by any other Person by virtue of any general Grants or Warrants from the late Lords Proprietors. I am

Gentlemen, Your most humble Servant.

Alured Popple

Mr Attorney and Mr Solicitor Genl

The Grant being General of twelve thousand Acres of Land, and the same being not described therein, nor ascertained by any Survey before the Proclamation of Governour Johnson, We are of opinion, That such Grantee cannot now take up Lands within six miles of Purrysburgh. For the Right of the Lords Proprietors is now vested in the Crown; and such General Grant could certainly not have prevented the Lords Proprietors from making subsequent Grants of any Particular Lands, Provided there is still sufficient Land left to satisfy such Precedent Grant. and yet this would be the necessary consequence. If such General Grantee might at any time before his Lands are set out take them where ever he pleases. and disturb the Possession of any subsequent Grantee. This would not only be a great Invasion of his Majestys Right. But would create very great Confusion, and would tend very much to ye disturbance of the Peace of this Country

J Willis
D. Ryder
Aug 12th 1730

(The Attorney & Solr Genls Opinion
on a Case and Question relating to the
taking up of Land in South Carolina
by virtue of old Grants from the late Lords Proprietors
Dated ye 12th of Augt 1730)

(Enclosure)

Copies of the 43d and 45th Articles of His Majestys Instructions to Col. Johnson for the Government of South Carolina in 1730

43d Whereas it has been found by long Experience in Our Provinces of New Hampshire and the Massachusets Bay, that the settling of such Persons as were disposed to become Planters there in Townships, hath redounded very much to their Advantage, not not only with respect to the Assistance they have been able to afford each other in their civil concerns, but likewise with regard to the Security they have thereby acquired against the Insults and Incursions of the Neighbouring Indians; We have thought it for Our Service, and you are hereby required to mark out and set apart Eleven Townships in Our said Province on the Banks of Rivers at Sixty Miles distances from Charles Town, that is to say 2 Townships upon yt River Alatamaha, 2 on the Savana River, one on yt head of Ponpon River: 2 on Santee River, one on Watry River, one on Black River, one on Seedee River, and one on Wacomaca River.

It

It is Our further Will and Pleasure that each of those Townships do consist of 20000 Acres of Land, to be laid out in Square Plats of Ground, one side thereof to front the Banks of y^t respective Rivers on which they shall be settled. In each of these Townships you shall mark out a proper place for the Situation of a Town contiguous to the River where the Township lyes, to consist of so many lots, and each lot of such quantity of Land, as you shall judge convenient, and to each Inhabitant at their first setting there, besides there respective Town lots you shall grant 50 Acres part of the abovementioned 20000, for every Man. woman or Child of which the Grantees Family shall consist, which Grant shall be Augmented from time to time as the Abilities of the respective Inhabitants shall render them capable of cultivating more Lands, always taking care to proportion the Profitable and unprofitable Land in each Grant, and to mark the same out in such manner that every Grantee by the Situation of his Land may reap equal Advantage of Access to the River to which the Township shall be contiguous. And to the intent that Land near the said Townships may not be wanting for the convenience of the Inhabitants, as their Substance shall increase,

no

no Person except the Inhabitants shall be allowed to take up any Lands within six Miles of the said Townships respectively, to which the said Township shall be contiguous.

45th And as a further encouragement to such Persons as shall be disposed to Settle in these Townships, We are graciously pleased to allow the Inhabitants thereof a right Common and Herbage in and thro' all such Lands contained within the Extent of the said Townships respectively, as shall not be taken up by particular Grants made to the said Inhabitants. And that a quantity of Land not exceeding 300 Acres, contiguous to the said Town, shall be set apart for a Common in perpetuity to each of the said Towns free from Quit Rents. And it is Our Will and Pleasure that you do with all convenient Speed lay out these Townships, and that no person claiming a right to take up Land in South Carolina by former Grants from the late Lords Proprietors, be allowed to take up Land within six Miles of these Townships by Virtue of such Grants.

Ld

(Enclosure)

(Enclosure)

South Carolina

Copy

By His Excellency Robt Johnson
Esq Governor & Commander in Chief
in & over His Majesty's Province
of South Carolina.

A Proclamation

Whereas by ye 42d Article of His Mats
Royal Instructions to me, I am impowered & required
to mark out & set apart Several Townships in this
Province upon the River Alatamaha, Savana River,
& other parts for ye benefit & behoof of such settlers
as shall come hither to settle thereon; And by the
45th Article of the said Instructions I am directed
with all convenient Speed to lay out those Town-
-ships, and that no Person claiming a Right to
take up Lands in South Carolina, by former Grants
from ye late Lords Proprietors, be allowed to take
up Lands within Six Miles of these Townships by
virtue of such Grants;

And Whereas Coll Peter Purry hath under-
taken to bring over a hundred Protestant Familys,
in order to Settle in this Province; & for that purpose
hath by Order & Direction of me & His Majestys
Council

Council, viewed marked & laid out a certain Tract of Land, of Twenty thousand Acres, being the Great Yamassee Bluff on the Savana River, being Six Miles Square from Yt Side of the said River, and which said Tract of Land intended and designed to be laid out into a Town or Township and by him called Purrysburgh, for Yt Settlement of such Protestants as aforesaid; I have therefore thought fitt to issue this my Proclamation, Strictly forbidding all His Majestys Subjects and others within this Province to run out any quantity of Lands whatsoever, within Six Miles of the Township so laid out by the said Coll: Purry as aforesaid; And therefore this Publick Notice is hereby given, that no one may plead ignorance thereof or transgress, at their Perill.

Given under my hand & the Great Seal of this Province, this first day of September Anno Dom 1731 and of His Majestys Reign Yt fifth Year

Robert Johnson

By His Excellencys Command

Char Hart Sct

God Save the King

(Enclosure)

B P R O South Carolina B T Vol 6 E30

(25th October 1726)

To all to whom these Presents shall come, His Excell.y John Lord Carteret Palatin, the most Noble Henry Duke of Beaufort, the Right Honble William Lord Craven, the Honble James Bertie and Henry Bertie his Brother, Sr John Colleton Bart and Sr John Tyrrel Bart being Seven of the Eight true & absolute Lords Proprietors of Carolina send Greeting. Whereas Thomas Lowndes hath surrendered to us, our Heirs and Assigns a Grant for four Baronies in our Province of Carolina containing in the whole forty Eight Thousand Acres of Land together with the Title, Dignity and Honour of a Landgrave, which was heretofore granted to John Price Gent: in Consideration whereof, we do consent and agree to grant unto Isaac Lowndes one Tract or Barony of Land to contain twelve Thousand Acres of Land, One other such like Tract or Barony of Land to Charles Edwards Gent: one other such like Tract or Barony of Land to John Beresford Gent: and one other such like Tract or Barony of Land to the said Thomas Lowndes, All which four Baronies are to contain in the whole forty eight Thousand Acres of Land, To the End and

Intent

Intent that he and they and his and their Heirs and Assigns may hold and enjoy the same (according to their several and respective Grants) together with all such Libertys, Benefits, Immunities, Privileges and Advantages whatsoever as we have Power to grant by virtue of the Letters Patents granted to our Ancestors or Predecessors Now these Presents Witness, That we the said Lords Proprietors in consideration of the Premisses have given and granted and by these presents do give and grant unto the said Isaac Lowndes his Heirs and Assigns one Barony or Tract of Land to contain twelve Thousand Acres of Land together with all the Wood, Timber, Royalties and Advantages to be had, found received and taken thereby, And all our Estate, Inheritance, Use Possession, Claim and Demand of us the said Lords Proprietors of into or out of the same Premisses hereby given and granted with their Appurtenances unto the said Isaac Lowndes his Heirs and Assigns unto the only Use of the said Isaac Lowndes his Heirs and Assigns for ever Yielding and paying to the said Lords Proprietors their Heirs and Assigns for ever, the Sum of One Penny Sterl^{g} Yearly at the Royal Exchange of London on the Feast S^{t} Michael the Archangel for ever

Provided

Provided nevertheless, that in case this present Grant shall not be duely enrolled within the space of two Years after the Date hereof in one of his Majesty's Courts of Record at Westminster, or in the Office of the proper Register Secretary or in the Enrollment Office of the Sd Province then this present Grant shall be void and of none Effect. And the said Lords Proprietors do hereby Authorize and require, that the Surveyor Genl of the Province of South Carolina immediately within twenty Days after Notice given him of the present Grant to allot and set out the said Tract or Barony of Land in any Place within the said Province of South Carolina. Given under Our Hands and Seals this twenty fifth day of October one Thousand Seven Hundred and Twenty Six.

Entered 6th Decbr 1726 by Ri Shelton Secry

Signd Carteret P.
Beaufort
Craven
Ja: Bertie
Hen: Burke
John Tyrrel
I Colleton
(LS) Ed

Cognit & infra notat
Henricum Bertie
6to die Februarii
1726. in Cur' Signd Alex Denton

Record / Read } Augt 10th 1734